#2

FINDINGS

1. **Site Plan Review**—Pursuant to Section 16.05 the Municipal Code, Site Plan Review for a project that creates, or results in 50,000 gross square-feet or more of nonresidential floor area and that creates, or results in an increase of 50 or more dwelling units, the proposed project will creates a maximum 2,397,304 square feet of development on a 3.2 acre site (inclusive of Francisco Street Dedication) comprised of 1,500,000 square feet of office; 275,000 square feet of amenity areas including retail and restaurant uses, conference and meeting rooms, ballrooms, spa, fitness center, and ancillary areas; 560 hotel rooms and/or condo- hotel units; and 100 residential units; and with demolition will produce an increase in approximately 1,285,000 square feet of office uses, an increase of 100 residential units, and a decrease of 336 hotel guest rooms. The final mix of uses would be subject to the Land Use Equivalency matrix.

A. *The project complies with all applicable provisions of this Municipal Code and any applicable Specific Plan.*

The majority of the Project Site is currently zoned C2-4D (and the east half of Francisco Street is currently zoned C4-4D), allowing commercial and residential uses, and it is within Height District 4. The Project density, intensity, building heights, and uses are consistent with the Regional Center Commercial designation in the Central City Community Plan, the Zoning Code, and other relevant aspects of the Los Angeles Municipal Code (LAMC). Hotel use is permitted in the C4 Zone by right only if there is no property located within 500 feet of the site which is classified in the "A" or "R" Zone, and there is not. Therefore, the proposed hotel use is consistent with the Code. The "D" designation denotes a development limitation, which subject to certain provisions, limits the developable floor area to six times the buildable area of the site. The site is subject to such provisions and the developable floor area can be increased to 13 times the buildable area of the site with approval of a transfer of floor area, as requested herein. Although the project does not meet LAMC parking requirements, the applicant has requested reduced parking and shared parking with a Transportation Demand Management Program. The applicant has requested a variance for outdoor dining, and has requested alternative sign regulations through a proposed sign district.

As subject to this grant, the Project complies with all applicable provisions of the Municipal Code, and the Project Site is not located within a Specific Plan area.

B. *The project is consistent with the General Plan.*

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including Transportation, Land Use, Noise, Safety, Housing and Conservation.

The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City. The Project Site is located entirely within the boundaries of the Central City Community Plan (Community Plan) area. The Project Site has a land use designation of Regional Center Commercial. The proposed Project will be in substantial conformance with the purposes, intent, and provisions of the General Plan and all of its elements.

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The Framework Element

The Framework Element of the General Plan establishes general policies for the City of Los Angeles based on projected population growth. Land use, housing, urban form and neighborhood design, open space, economic development, transportation, infrastructure, and public services are all addressed in the context of accommodating future City-wide population increases. The City's various land use "categories" are defined based on appropriate corresponding development standards including density, height, and use.

The Framework Element defines the Downtown Center, which is bounded by Cesar Chavez Avenue to the north; Alameda Street to the east; Santa Monica (10) Freeway to the south; and the Harbor (110) Freeway to the west, as "*an international center for finance and trade that serves the population of the five-county metropolitan region.*" It is the largest government center in the region and the location for major cultural and entertainment facilities, hotels, high-rise residential towers, regional transportation facilities, and the Convention Center. These uses serve the region, state, nation, and global needs. Generally, the Downtown Center is characterized by Floor Area Ratios (FARs) up to 13:1 and high-rise buildings. The Project is consistent with policies in the Framework Element that provide for "*business retention and attraction and [that] seek to maintain the area's economic role in the regional economy.*" To that end, the Project will redevelop an existing site and will provide a sustainable, large-scale, high-rise, mixed-use development that incorporates new Class A offices, residential units, hotel, open space and amenity uses. The location of the development within the Downtown Center and on a major transit corridor served by Metro (Los Angeles County Metropolitan Transportation Authority) subway and bus services, DASH shuttle service, and freeways is consistent with the Framework policy to encourage economic development by making job opportunities and attractions accessible to the entire region. The overall FAR of the Project will be compatible with surrounding high-rise land uses and is characteristic of the Downtown Center designation in the General Plan. The Project is also consistent with the Framework's policy for "new housing opportunities and services to enliven the downtown and capitalize on the diversity of the City's population." As discussed above, the Project would consist of a mix of uses, including housing, and is centrally located on a transit corridor, allowing residents to easily access their residences and connect them to their jobs throughout the City or Downtown.

Framework Element Goal 3G encourages the Downtown Center to be *"the primary economic, governmental, and social focal point of the region with an enhanced residential community*" and Objective 3.11 states that development should *"[p]rovide for the continuation and expansion of...business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center.*" The Project will provide a concentrated mixed-use center including new development and jobs at a site adjacent to the 7th Street/Metro Center subway station, which is also served by several Metro bus lines and DASH lines. The development's proximity to these transit services will provide opportunities for employees, visitors, and local residents to access the site. Moreover, the Downtown Center is an international center for finance and trade that serves the population of the region, and the proposed uses would be consistent with the existing uses and strengthen the Downtown Center's identity.

The Project would also advance overarching planning goals set forth in the Framework Element, including the establishment of a "*physically balanced distribution of land uses*

that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas..., and achievement of the vision for a more livable city." Located in the Downtown Los Angeles Financial Core District, which is bordered by South Park to the south and southwest, Historic Core to the east and southeast, Bunker Hill and the future Grand Avenue project to the north and northeast, and City West to the north and northwest across the Harbor Freeway, the Project will promote a physically balanced distribution of land uses by placing new Class A office space in close proximity to other office uses within the Financial Core District, as well as new hotel space within close proximity not only to the Financial Core District, but also to the Convention Center and main entertainment and culture centers of Downtown Los Angeles. The Project will create an economic benefit by serving as a catalyst to increase Convention Center activity. The Project will also replace the Wilshire Grand Hotel and Centre, which is an aging asset that will be closing within the next two years. The Project would also further the objective that the Downtown Center continues as "*a primary destination for business persons, government employees, and travelers from around the world*" by locating a mix of uses, including hotel, office and commercial uses that would draw these populations. In addition, the new residential uses, along with the new retail, restaurant, and other amenity uses will further advance the revitalization of Downtown, as well as further the Framework Element vision for a Downtown Center where *"nighttime uses should be encouraged...to meet the needs of residents and visitors.*" The Project will serve to enhance Downtown as a center of regional commerce, identity, and activity.

The Project will include approximately 275,000 square feet of amenities and services including, retail, restaurant, conference rooms, meeting rooms, and ballrooms associated with the hotel use, as well as a spa and fitness center—all of which may promote pedestrian activity within the site. In addition, the Project will include a minimum one-quarter acre outdoor plaza at the corner of 7th and Figueroa Streets, providing pedestrian connectivity from the Project Site to the 7th Street/Metro Center subway station, as well as contributing to a more pedestrian-oriented environment for residents, employees and visitors of the area. These uses would be consistent with the Framework Element Objective to "[*a]ccommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.*" Pedestrian-oriented features such as plazas, benches, landscaping, and other amenities will be employed in the design of the outdoor plaza area to provide pedestrian connectivity and enhance the Project by providing outdoor areas for employees, guests, visitors, and residents. This is compatible with the Framework Element encouragement of commercial and mixed-used districts that promote pedestrian activity. Consistent with the Framework Element, new structures will be located to form "*common and semi-continuous building 'walls' along primary street frontages and pedestrian sidewalks*" and will have the ground floor of structures *"primarily contain uses that are characterized by a high level of customer use and their facades designed to promote pedestrian interest.*" Outdoor restaurants, will be provided, as well as sidewalk amenities to make pedestrian activity a pleasant experience, including street trees and landscaping, benches, trash receptacles, pedestrian-oriented lighting and signage, and attractive paving materials, bicycle amenities, and other "slow street" techniques. These measures will further enhance the pedestrian orientation of the site.

The Land Use Chapter of the Framework Element encourages development near "*transit stations,*" defined as a concentration of varied and diverse uses and increased density "*within one quarter mile of transit stations.*" Framework Element Transit Station Goal 3K calls for "[*t]ransit stations to function as a primary focal point of the City's development.*" The Framework Element further encourages collaboration between private developers

and Metro to "*prepare detailed plans for land use and development of transit-oriented districts*" (see Transit Station Policies 3.15.1 and 3.15.2). The Subject Project includes the type of mixed-use, neighborhood-oriented retail and employment uses integrated with a Metro transit station that is explicitly encouraged by the Framework Element. The Project will meet the Framework's goal to focus on density within one-quarter mile of existing transit infrastructure because it will be developed directly across the street from the 7th Street/Metro Center subway station, which is a stop for the Red, Blue and Purple lines. The proposed outdoor plaza will be designed to connect the Project and surrounding area with the 7th Street/Metro Center. In addition to connecting the Project Site with the Convention Center, Staples Center, L.A. Live!, the future Grand Avenue project, the Metro Red Line provides access to Hollywood and the San Fernando Valley, with connecting service to Metro Orange Line, as well as additional stations in Downtown Los Angeles to Los Angeles Union Station, where connecting service to Metro Gold Line, Amtrak passenger rail, Metrolink commuter rail, and regional and local bus lines are available. The Purple Line provides access to Koreatown area as well as to Los Angeles Union Station. The Blue Line originates at the 7th Street/Metro Center subway station and provides access from downtown Los Angeles to downtown Long Beach with intermediate stops, as well as connecting service to Metro Green Line. The location of the Project across the street from the 7th Street/Metro Center epitomizes the Framework Element's vision of integrating Downtown Center density with public transportation infrastructure and would encourage the use of transit by hotel guests, on-site residents and their guests, retail patrons, and employees. This development scale is compatible with the Framework Element that envisions that the "*Downtown Center would continue to accommodate the highest development densities in the City and function as the principal transportation hub for the region.*"

According to the Framework Element: "*to support Downtown as the primary center of urban activity of the Los Angeles region, its development should reflect a high design standard.*" The Project will be designed to a high architectural standard and is envisioned to be an aesthetic and functional landmark serving to bridge the Financial Core District with South Park, including the Convention Center, L.A. Live! and Staples Center, with Bunker Hill and the planned Grand Avenue development. In addition, the Project Applicant is pursuing Leadership in Energy and Environmental Design (LEED) Silver certification from the United States Green Building Council (USGBC) for its efforts toward energy efficient, sustainable, and environmentally-friendly design. Also, the Project proposes to establish a Signage Supplemental Use District (SUD) with a sign program that is intended to activate the streets to create a pedestrian-oriented environment and provide a high design standard for signage consistent with the Framework Element.

The Project is also consistent with the Framework Element's Long-Range Land Use Diagram, which identifies the Project Site as a Downtown Center. The Downtown Center is an international center for finance and trade that serves the population of the five-county metropolitan region. The uses encouraged in this area include government, business, cultural amenities, entertainment, visitor serving, transportation, and supporting uses, thus the Project's proposed variety of land uses would be consistent with Downtown Center designation. The Project would be a highly concentrated mixed-use center including new development and jobs at a site adjacent to the 7th Street/Metro Center subway station served by DASH and Metro bus lines. In accordance with the Framework Element, the Project would provide new and highly concentrated development along the existing transit corridor and would serve the City's project grown and demand in a dense area, while conserving existing related districts since it would not encroach upon or cause the removal or relation of the uses in these districts.

Transportation Element

The Transportation Element of the General Plan guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods. The Transportation Element recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit.

The Project will advance numerous goals and policies contained in the Transportation Element. Chief among them is

Objective 3: *Support development in regional centers... major activity areas and along mixed-use boulevards.*

Policy 3.5: *Encourage and seek the formation of public/private partnerships when developing centers and districts and provide appropriate transportation facilities and/or related programs, to the maximum extent feasible.*

Policy 3.12: *Promote the enhancement of transit access to neighborhood districts, community and regional centers, and mixed-use boulevards.*

Policy 3.13: *Enhance pedestrian circulation in ... appropriate locations in regional centers and along mixed use boulevards; promote direct pedestrian linkages between transit portals/platforms and adjacent commercial development through facilities orientation and design.*

The Project advances these policies by locating a mixed-use development across the street from an existing Metro subway station and on a major transportation corridor that provides substantial public transit opportunities and facilities. Specifically, the Project will promote transit access through site orientation with the existing 7th Street/Metro Center station. The development of the Project with office, hotel, residential, restaurant and retail uses and an outdoor plaza would promote ground floor pedestrian activity and circulation and would create direct pedestrian connections between the new Project and the Metro transit infrastructure, in express conformity with the Transportation Element's policies and objectives.

Land Use Element---Central City Community Plan

The Project, as a mixed-use, transit-oriented development, advances a number of specific goals and objectives contained in the Community Plan. These include:

Objective 1-2: *To increase the range of housing choices available to Downtown employees and residents.* (page III-2).

Policy 1-2.1: *Promote the development of neighborhood work/live housing.* (page. III-2).

Objective 1-3: *To foster residential development which can accommodate a full range of incomes* (page III-2).

The Project will consist of a mix of uses, including market-rate housing, and is centrally located on a transit corridor, thereby allowing residents to easily access their residences and connect them to their jobs Downtown or throughout the City. The office, hotel, and commercial uses will provide a wide variety of skilled and unskilled jobs with a variety of wages, which will allow employees to access a variety of housing choices in Downtown and throughout the City.

Objective 2-1: *To improve Central City's competitiveness as a location for offices, business, retail, and industry.* (page III-5)

Policy 2-1.1: *To reinforce Bunker Hill and the Financial Core Districts as dominant centers for legal, financial, and other corporate services for Southern California and the Pacific Rim.* (page III-5)

Policy 2-1.2: *To maintain a safe, clean, attractive and lively environment.* (page III-5).

Objective 2-2 *To retain the existing retail base in Central City.* (page III-5)

Policy 2-2.1: *Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses.* (page III-5)

Policy 2-3.1: *Support the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas of Central City and the Figueroa Corridor.* (page III-6).

The Project is a new mixed-use center, the development of which will reinforce and enhance the existing Downtown Center, which currently accommodates a broad range of uses, job opportunities, and attractions. The Project will include commercial, office, hotel, and restaurant uses that will provide a diversity of job opportunities, for both skilled and unskilled labor, with a variety of pay grades. The Project will also include approximately 50,000 square feet of neighborhood serving retail and restaurant uses, thereby providing an enhanced retail presence in the Downtown Center. Furthermore, the hotel and its amenities will attract visitors who will be able to easily access the nearby tourist and convention sites via the public transportation infrastructure and who will contribute to the existing and proposed retail base.

Objective 2-3: *To promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows, and tourism.* (page III-6)

The Project will include a major new luxury hotel with full amenities that will attract visitors to Downtown.

Objective 4-4: *To encourage traditional and non-traditional sources of open space by recognizing and capitalizing on linkages with transit, parking, historic resources, cultural facilities, and social service programs.* (page III-11)

Policy 4-4.1: *Improve Downtown's pedestrian environment in recognition of its important role in the efficiency of Downtown's transportation and circulation systems and in the quality of life for its residents, workers, and visitors.* (page III-11)

The Project will include a pedestrian plaza at the corner of 7th Street and Figueroa Street, with landscaping, lighting, public art, a water feature and outdoor retail and dining areas. The minimum one-quarter acre pedestrian plaza will provide a public outdoor gathering space for special events and will enhance the Project by providing outdoor areas for employees, guests, residents, and visitors. It will also include streetscape improvements such as sidewalk widening, landscape improvements, and additional street lighting to create a more pedestrian-friendly environment. Furthermore, the Sign District as revised and recommended by the Director of Planning (Exhibit F) will serve to create a vibrant edge along Figueroa Street and create and visual link to the Los Angeles Sports and Entertainment District.

Objective 11-3: *To provide an internal circulation system with a focus of connecting specific pairs of activity centers to a system that provides greater geographic coverage of Downtown, giving the Downtown traveler more choices and more flexibility.* (page IV-6)

Objective 11-4: *To take advantage of the district's easy access to two mass transit rail lines, the freeway system, and major boulevards that connect Downtown to the region.* (page IV-6)

Policy: *Increase pedestrian orientation in the district.* (page IV-7)

Objective 11-6: *To accommodate pedestrian open space and usage in Central City.* (page IV-8)

Policy 11-6.1: *Preserve and enhance Central City's primary pedestrian-oriented streets and sidewalks and create a framework for the provision of additional pedestrian friendly streets and sidewalks which complement the unique qualities and character of the communities in Central City.* (page IV-8)

The Project will include extensive open space and pedestrian amenities for the benefit of the users of the Project Site and for other Downtown denizens. The Project will contain a minimum one-quarter acre outdoor plaza at the corner of 7th and Figueroa Streets, providing pedestrian connectivity from the Project Site to the 7th Street/Metro Center subway station, as well as providing pedestrian linkages through the site. The Project will provide pedestrian amenities such as plazas, benches, landscaping, and new structures which will be located to form common and semi-continuous building 'walls' along primary street frontages and pedestrian sidewalks with facades designed to promote pedestrian interest. Outdoor restaurants and sidewalk amenities will contribute to making pedestrian activity a pleasant experience, with features such as street trees and landscaping, benches, trash receptacles, pedestrian-oriented lighting and signage, and attractive paving materials. The Project is also ideally located for pedestrians given its proximity to transportation infrastructure such as the 7th Street/Metro Station subway station and because it is located on a transit major corridor.

Objective 11-7: *To provide sufficient parking to satisfy short-term retail/business users and visitors but still find ways to encourage long term office commuters to use alternate modes of access.* (page IV-9)

Policy 11-7.8: *Develop a comprehensive parking policy for Downtown that is closely coordinated with other elements of the transportation strategy. It should constrain on-site supply in the CBD, and provide a balanced program of peripheral, intercept, and park-and-ride facilities in transit corridors. This policy*

should focus increasing emphasis on intercepting automobile travel further and further from the CBD… (page IV-10)

The Project will incorporate reduced parking based on its proximity to transportation, internal trip capture, and an extensive Transportation Demand Management program. As such, adequate parking will be provided to accommodate the needs of the Project, including short-term retail/business users and visitors, as evidenced in the project's Transportation Study (contained within/as an attachment to the Draft EIR, located in subject environmental case number ENV-2009-1577-EIR-GB.

Urban Design Objective: *To create a series of street types, unique to Downtown. Define individual building criteria which would address bulk, profile, placement and street walls* (page V-1).

Urban Design Objective: *To develop streetscape and landscape criteria that reinforce the pedestrian quality of Downtown's streets and public open spaces that takes advantage of the great local climate; and that promotes the use and enjoyment of the outdoors.* (page V-1)

Objective: *To improve the pedestrian environment.* (page V-1)

As discussed above, the Project will include extensive pedestrian amenities and outdoor areas, including outdoor dining, pedestrian oriented lighting, signage, landscaping, and wall heights at the street. Moreover, the plaza will provide an outdoor gathering space for special events and with it's activity, provide a linkage to the Los Angeles Sports and Entertainment District, including Staples Center, L.A. Live!, the Convention Center, as well as the future Grand Avenue project to the north, and public parks in the area.

Transfer of Floor Area Objective: *The transfer of floor area between and among sites is an important tool for Downtown to direct growth to areas that can best accommodate increased density and from sites that contain special uses worth preserving or encouraging.* (page III-19)

The Project utilizes transfer of floor area provision of the Municipal Code to achieve an Floor Area Ratio (FAR) of 13:1, as requested under this grant. The Project is ideally situated for an increase in FAR based on its location within the already dense Financial Core District, its adjacency to transit infrastructure, and the fact that it is easily accessible to the freeway. The Project will create a large-scale mixed-use development that serves Downtown residents, workers, and visitors.

C. *The project is consistent with any applicable adopted Redevelopment Plan.*

This finding is not applicable to the proposed project because the subject property is not located in an adopted redevelopment plan area. The Central Business District Redevelopment Plan expired on July 18, 2010.

D. *The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collections, and other such pertinent improvements, which is or will be compatible with existing and future development on neighboring properties.*

The proposed Project will be compatible with existing and future development on neighboring properties. The subject Site is surrounded by a highly urbanized commercial

area with a mix of high-density commercial, retail, and office uses existing in structures ranging from low-rise to high-rise buildings. All such uses are separated from the project site by roadways. The surrounding parcels are all built-out and buildings consist generally of office uses and ground floor commercial and retail uses, with the exception of two towers that contain only offices uses, and the a small historic building, which contains a restaurant only.

The Project will develop 560 hotel room and/or condo-hotel units; 100 residential units; 1,500,000 square feet of office uses; and 275,000 square feet of retail, restaurant, conference and meeting rooms, ballrooms, and other associated ancillary hotel, residential, and office areas. An outdoor plaza at the corner of Figueroa Street and 7th Street, and a roof top helistop will be provided. Approximately 1,900 parking spaces will be located in eight levels of subterranean parking. The final mix of uses would be subject to the Land Use Equivalency matrix. The Project will include one approximately 65-story structure, no more than 1,250 feet in height; one approximately 45-story structure, no more than 750 in height; and an approximately six-story podium structure, no more than 168 feet in height Refer to Exhibit A for the site layout of the Conceptual Plan. These structures and uses are generally consistent with structures and uses in the surrounding area of the Project Site, and will be compatible with existing and future development on neighboring properties.

The Applicant is pursuing Leadership in Energy and Environmental Design (LEED) Silver certification from the United States Green Building Council (USGBC) for energy efficient, sustainable, and environmentally-friendly design. In addition to the Project's favorable building location in proximity to existing infrastructure, sustainable design features may include: roof- or building-mounted photovoltaic panels; building-integrated photovoltaics; daylighting of work areas; operable windows and fresh air circulation; dual piping to enable the use of recycled water; water efficient fixtures; and recycling during demolition and construction. These development features will also make the development compatible with existing and future development in the surrounding environment.

Vehicular access to the Project will be provided on 7th Street with a drop-off and valet only, and Francisco Street through parking garage access. Each of these access points are designed so as to avoid any pedestrian/vehicular conflicts and to respect the pedestrian orientation of the Project.

The loading dock will be provided within the subterranean parking structure to serve the Project. Operating hours for the loading dock are anticipated to be 24 hours per day, seven days a week and delivery trucks to the loading dock would include tractor-trailers, as well as small and medium-sized delivery trucks and vans, including new vans. However, access to the loading dock will be provided through a designated loading driveway on Francisco Street and because the loading dock will be located within the subterranean parking structure, it would be not impactful and compatible with existing and future development on neighboring properties.

The Project will include a pedestrian plaza at the corner of 7th Street and Figueroa Street, which will include landscaping, lighting, public art, a water feature, and outdoor retail and dining areas. The minimum one-quarter acre pedestrian plaza will provide a public outdoor gathering space for special events and will enhance the Project by providing outdoor areas for employees, guests, residents, and visitors. It will also include streetscape improvements such as sidewalk widening, landscape improvements, and additional street lighting in order to create a more pedestrian-friendly street.

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

An Environmental Impact Report, ENV-2009-1577-EIR-GB, SCH No. 2009071035 has been prepared for this project in full compliance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. in connection with the approvals granted for the Project.

As detailed in the Final EIR, the majority of the potentially significant environmental impacts have been determined to be less than significant or have been mitigated to insignificance through project design features or mitigation measures. Other potentially significant impacts have been mitigated to the extent feasible. The Project will also comply with any conditions of approval and the Mitigation Monitoring and Reporting Plan, which will serve to protect the best interest of the surrounding neighborhood and prevent or mitigate any potential adverse environmental impacts in the area. The mitigation measures identified there will be incorporated as a part of the subject Project approval.

F. Any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.

The proposed mixed use project will include 100 residential units. The Project will maximize habitability for its residents, putting residents in close proximity to recreational facilities on-site, as well as service amenities that will enhance the residential experience. The Project will include approximately 275,000 square feet of commercial amenity uses. Amenity uses include spa, fitness center, retail, restaurants, etc., as well as meeting rooms and other ancillary hotel, residential, and office uses that will be in the same development as the residential uses. A swimming pool and spa/fitness center is proposed to be one of the amenities located on the rooftop of Building B, as shown in the Conceptual Plan, Exhibit A.

In addition, the Project will include an outdoor plaza at the corner of 7th Street and Figueroa Street. The minimum one-quarter acre plaza will provide pedestrian connectivity from the Project Site to the 7th Street/Metro Center subway station at the southeast corner of Figueroa Street and 7th Street, as well as contribute to a pedestrian-oriented downtown environment. The plaza will provide an outdoor gathering space for special events, will enhance the Project by providing outdoor areas for employees, guests, and visitors, and would provide a linkage to L.A. Live, Staples Center, the Convention Center, and public parks in the area.

2. **Conditional Use** for "**Major" Development Project** - Pursuant to 12.24 U.14 of the Municipal Code. The Applicant requests a Conditional Use Permit for a major development project that creates or results in 100,000 square feet or more of floor area in other nonresidential or non-warehouse uses in the C2 and C4 zones. The project, as proposed, will eliminate 896 guest rooms through demolition and construct a maximum of 560 hotel rooms and/or condo- hotel units, creating a net decrease of 336 hotel guest rooms. The project as proposed will construct a maximum of 1,775,000 square feet of namely office space, but also other uses associated with the hotel, as well as retail/commercial uses.

A. The proposed location will be desirable to the public convenience or welfare.

The subject Site is bounded by Wilshire Boulevard to the north, Francisco Street to the west, 7th Street to the south, and Figueroa Street to the east in the Central City Community Plan Area (Downtown). The proposed major development project will consist of two towers and a podium level structure, which will in total comprise the entire block. The proposed Project will provide a mix of uses and services appropriate to the location. The commercial and restaurant uses will contribute to the shopping and eating activities already represented in the neighborhood, while the office and hotel uses will provide necessary space appropriate to local market demand and in keeping with the neighborhood character.

The Project site is located in the Downtown Los Angeles Financial Core District, which is bordered by the South Park district to the south and southwest, the Historic Core district to the east and southeast, Bunker Hill district to the north and northeast, and City West community to the north and northwest on the other side of the Harbor Freeway. The Financial Core District is namely comprised of contemporary high rise office buildings, particularly Figueroa Street. Seventh Street is characterized by a mix of commercial uses and building types, many of which are mid-rise and historic.

The proposed location for the development is well served and easily accessible by vehicle, transit, and pedestrians. This Project site is approximately .04 miles east of the Harbor (US 110), 1.05 miles north of the Santa Monica (I-10) Freeway, 1.02 miles south of the Hollywood (US 101) Freeway, and 2.6 miles west of the Golden State (I-5) Freeway. Regional access is provided by these Freeways. Local vehicular access is provided by Modified Major Secondary Highways including Wilshire Boulevard, Figueroa Street, and Olympic Boulevard. Importantly, the Site is located across Figueroa Street from the 7th Street/Metro Center subway station, which provides access to the Metro Red, Purple and Blue Lines operated by the Los Angeles County Metropolitan Transportation Authority (Metro). Additionally, the Project site is served by multiple bus and shuttle lines, including: Metro Local 20, 26, 51, 52, 60, Metro Limited Stop 352, Metro Express 442, Metro Transitway 444, 445, 446/447, 450X, 460, 487, and 489, Metro Rapid 760, Foothill Transit 493, 497, 498, 499, 699, Antelope Valley Transit Authority 785, Santa Clarita 799, and LADOT Downtown Area Shuttle (DASH) A, E, and F.

As for pedestrian access, entrances to the site will be located on Figueroa Street, Wilshire Boulevard, and 7th Street. Pedestrian access to Building A the Office Tower (as shown on Exhibit A), will be provided at grade level from the outdoor plaza, and from Figueroa Street and Wilshire Boulevard. Pedestrian access to Building B the Hotel Tower (as shown on Exhibit A), and the Podium, will be provided at grade level from the outdoor plaza, 7th Street, and Wilshire Boulevard via a passageway (pedestrian colonnade). This pedestrian passageway will be open to the public, and provide a shortcut for pedestrians to go diagonally through the project to/from the north corner of the site at Francisco Street and Wilshire Boulevard, and to/from the plaza at the southern corner of the site at Figueroa Street and 7th Street. A major component of the project is the proposed minimum ¼ acre pedestrian plaza at the corner of Figueroa Street and 7th Street, which will include landscape elements, a water feature, and outdoor retail and dining areas, and will provide an outdoor gathering space for special events.

B. The location is proper in relation to adjacent uses or the development of the community.

The proposed major development project will include 560 hotel rooms and/or condo-hotel units and 100 residential units in Building B (Exhibit A), 1,500,000 square feet of office in Building A (Exhibit A) and 275,000 square feet of amenity areas including retail and restaurant uses, conference and meeting rooms, ballrooms, spa, fitness center, and ancillary other hotel, residential, and office areas in the podium level and ground floor of the towers. The final mix of uses would be subject to the Land Use Equivalency matrix. The project would be constructed over eight levels of subterranean parking containing approximately 1,900 parking spaces. The subject Project will provide a mix of uses and services appropriate to the location. The restaurant and commercial uses are consistent with shops and restaurants nearby on 7th Street. The proposed office use will be consistent with the Financial Core District prominence of office buildings. The hotel use will be unique to the immediate neighborhood, but a welcome addition to downtown as it will serve the nearby Convention Center and tourist attractions.

The Site is surrounded by a highly urbanized commercial area with a mix of high-density commercial, retail, and office uses existing in structures ranging from low-rise to high-rise buildings. All such uses are separated from the project site by roadways. The structures that immediately surround the Project Site include: to the northwest across Francisco Street, a 21-story, 350-foot tall building at 1000 Wilshire Boulevard, and to the north across Wilshire Boulevard, a 53-story, 717-foot tall building located at 601 S. Figueroa Street, and a 22 story building located at 915 Wilshire (Bank of the West). East of the Project Site are a six-story building at 835 Wilshire Boulevard, a 15-story building (Northwestern Mutual Life) at 888 6th Street, and a five-story above-ground parking structure fronting Figueroa Street. Located across Figueroa to the southeast of the Project Site are: a one-story building at the southern corner of the Wilshire Boulevard and Figueroa Street intersection, an approximately three-story building (Mullen Building/Historic Fire Station No.28) and a 24-story, 356-foot tall building (Figueroa Tower). To the south of the Project Site is a 12-story, 174-foot tall (Plaza) building with adjacent surface parking lot, and also on that block are two parking structures--one six-story and one seven-story. To the west and southwest of the Project Site across 7th Street are a 42-story 534-foot tall building (Ernst & Young Plaza), one story mall (7 + Fig Center), a 52-story 725-foot tall building (777 Tower), and a 13-story parking structure that serves those uses.

The surrounding buildings consist generally of office uses and ground floor commercial and retail uses, with the exception of 1000 Wilshire Boulevard and the 777 Tower, which contain only offices uses, and the Mullen Building, which contains a restaurant only. The closest residential uses, the multi-family buildings of Pegasus apartments, Roosevelt Lofts, The Piero apartments, and 1010 Wilshire apartments are each located approximately 500 feet away from the project site. A portion of the Figueroa Tower ground floor at the corner of 7th Street and Figueroa Street, adjacent to the subject property, contains a portal to the 7th Street/Metro subway station.

A project of this scale and character is appropriate at the proposed location, given the adjacent buildings and uses. The proposed project will provide visitors, nearby residents, and the local workforce population with a new entertainment alternative within the Central City Community Plan area.

C. The use will not be materially detrimental to the character of the development in the immediate neighborhood.

The location of the proposed mixed use major development project will not be materially detrimental to the character of development in the immediate neighborhood because the proposed mix of uses—hotel, residential, office retail and restaurant, meeting rooms, ancillary amenities, and parking—are consistent with the uses already existing in the neighborhood. In the case of the hotel use and amenities, the project will provide a needed function not currently in the vicinity yet still be in keeping with the character of the immediate neighborhood.

The substantial majority of the subject Project includes uses to which there is no general public perception or reputation for being a nuisance. Alcohol sales, oil change services, and signs are notable exceptions. The Applicant is requesting a Conditional Use permit, a separate entitlement request, for a maximum of 21 establishments contained in the development representing the following: restaurants having indoor and outdoor seating; service retail grocery stores; and hotel facilities including restaurants, mini bars, banquet facilities, room service, and sundries. These establishments are proposed with on and off-site consumption. A detailed discussion and assessment of the location of alcohol sales establishments is located below in Finding No. 11. Prior to obtaining permits, the establishments must receive Planning Department authorization in the form of a Plan Approval, as Conditioned above in Condition 18. Additionally, the Applicant is proposing to offer oil change services and car washing to visitors and customers, and this would be located in the underground parking garage of the development. As such, it will not be visible or perceptible from street level and cannot present a nuisance to the immediate neighborhood. The Applicant is proposing signs, including a sign district, that will include a wide range of sign types such as Wall signs, Pedestrian Signs, Awning Signs, Architectural Ledge Signs, Integral Electronic Displays, Digital Displays, and Animated Signs. See Exhibit F for the Sign District recommended by the Director of Planning. Exhibit G contains the Sign District as originally proposed by the Applicant.

The Financial Core District has experienced limited new construction development over the past several years. Small-scale redevelopment of existing buildings along 7th Street reflect emerging neighborhood-serving use demands. Most recently, the 7th + Fig Center announced its plans to locate Target as it's anchor tenant, which will attract a wide customer base from downtown and beyond. In sum, the proposed maximum 2,397,304 square feet square feet development of the subject Project will not inhibit or detract from neighboring properties, but rather will be an asset. New buildings and uses with contemporary designs and new features, coupled with convenient access to major transit corridors are considered a benefit to the community and over time, they will improve the character of the immediate vicinity and strengthen the trend of continued investments in Downtown.

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

The Central City Community Plan designates the property for Regional Center Commercial land use and has corresponding zoning of C2-4D and C4-4D, permitting the development of office, hotel, residential, and retail uses. The majority of the Project site has a zoning classification of C2-4D, and the eastern half of Francisco Street that is proposed to be vacated will have a zoning classification of C4-4D (consistent with the parcel to which it is adjacent). The site is permitted to be developed with Commercial uses and it is in Height District 4. The "D" designation denotes a development limitation, which subject to certain provisions, limits the developable floor area to six times the buildable area of the site (6:1 FAR), except that a prior Community Redevelopment

Agency action permits 7.73:1 FAR. Although the subject property is subject to such provisions, the developable floor area may be increased to 13 times the buildable area of the site (13:1 FAR), as requested herein, under the Transfer of Floor Area Request.

Regional Centers are encouraged by the Community Plan to have high intensity regional commerce with employment and entertainment activity. In accordance with the Regional Center Commercial land use designation, the Project will include a diversity of uses including corporate and professional offices, retail amenities, eating and drinking establishments, hotel uses, and residential units.

The project will positively impact existing commercial issues identified in the Community Plan. The new project will garner pedestrian activity, improving safety and cleanliness. The cohesive development on one entire block will promote design continuity and cohesiveness along commercial frontages. Perhaps most significantly, the project will help support the necessary mix of retail (and other uses) to attract a variety of users to the downtown area in the evenings and on weekends.

Having residents live and work in the community will foster one of Central City's primary goals, which is the establishment of an active 24-hour downtown. The project will contribute to an environment favorable to conducting business and actively promote Downtown Los Angeles as the economic center for the region and California.

Objective 2-2: To retain the existing retail base in Central City.

Policy 2-2.1: "Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses. To reinforce Bunker Hill and the Financial Core Districts as dominant centers for legal, financial, and other corporate services for Southern California and the Pacific Rim," (page III-5).

The subject Project's contribution of commercial uses will serve a broad range of shoppers, and combined with pedestrian-accessible restaurant uses, will attract office workers and tourists.

Policy 2-1.2: "To maintain a safe, clean, attractive and lively environment," (page III-5).

The project will create a new development that will garner pedestrian activity, improving safety and cleanliness with well-designed, pedestrian-oriented spaces.

Policy 2-2.2: "To encourage pedestrian-oriented and visitor serving uses during the evening hours especially along the Grand Avenue cultural corridor between the Hollywood Freeway (US 101) and Fifth Street, the Figueroa Street corridor between the Santa Monica Freeway (I-10) and Fifth Street and Broadway between Third Street and Ninth Street." (page III-5)

The project will create a pedestrian-friendly project, with ground-level access, building transparency, and building articulation, that will provide hotel facilities to serve visitors and tourists, and commercial uses to serve downtown residents and employees as well as tourists. In addition, the project will include night-time entertainment uses, such as restaurants and bars that will help foster a desired 24-hour downtown.

Policy 2-3.1: "Support the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas of Central City and the Figueroa corridor."

The location of the project, north of Convention Center and Staples Arena on Figueroa corridor, will provide additional services, especially use of the hotel, to visitors to the area during special events. The subject project will also include entertainment uses including commercial retail and restaurants that will provide a satellite designation to those interested in the Convention Center and surrounds.

Objective 2-4 To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism.

Policy 2-4.1 Promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity.

The subject Project will facilitate the development of this neighborhood, which is an existing pocket of activity providing commercial and restaurant uses along 7th Street, and office uses on Figueroa north of the project site, and commercial uses south of the project site. The project will provide restaurants and specialty uses and will promote night life activity given the presence of the proposed hotel.

As well, the location of the development will advance the overarching planning principles set forth in the Framework Element, including the establishment of a "[m]ixed use center that provide[s] jobs, entertainment, culture, and serve[s] the region" (Regional Center Goal 3F). The proposed Project will create Class A office space that will be in close proximity to other office uses within the Financial District, and will create new hotel and residential space that is within close proximity to the Financial District, the Convention Center, and entertainment and cultural centers of Downtown Los Angeles.

E. The Major Development Project conforms with any applicable specific and/or redevelopment plan.

The project site is not located within a Specific Plan boundary area. As well, no redevelopment plan applies to the project site, given that the Central Business District Redevelopment Plan expired on July 18, 2010.

F. The Major Development Project provides a compatible arrangement of uses, buildings, structures and improvements in relation to neighboring properties.

The project site is surrounded by a mix of high-density commercial, retail, tourist, and office uses contained in structures ranging from small buildings to skyscrapers. The buildings surrounding the subject project range from 20 feet in height to 725 feet in height and are physically separated from the project site by roadways. The Project's two structures, at 750 feet and 1250 feet, will be consistent with the scale and form of existing and future uses adjacent to the project site and those in the surrounding community. The proposed mix of uses in the Subject Project will be appropriate in relation to generally neighboring uses, which include office, commercial, and retail uses as well as residences and public facilities including open spaces and libraries. The Downtown Los Angeles community also includes tourist and convention facilities and hotels, some of which comprise an entertainment district (the Los Angeles Sports and

Entertainment District –LASED-- including Staples Center, L.A. Live!, and the Convention Center). Consistent with these uses, the proposed Project will be developed with a 560 hotel room units and/or condo-hotel units, 100 residential condominiums, 1,500,000 square feet of office uses, and 275,000 square feet of retail, restaurant, conference and meeting rooms, ballrooms, and other associated ancillary hotel areas. The final mix of uses would be subject to the Land Use Equivalency matrix. An approximately one-quarter acre outdoor plaza at the corner of Figueroa Street and 7th Street, and a rooftop heliport will be provided. Approximately 1,900 parking spaces will be provided in eight levels of subterranean parking. These are all uses found within the context of the existing neighborhood uses.

G. The Major Development Project complies with the height and area regulation of the zone in which it is located.

The Subject Project Site is currently zoned C2-4D on the privately owned parcel, and one half of Francisco Street is zoned C4-4D. Francisco Street will be dedicated if the conditions contained in case VTT-71141-CN are met. Compliance with case VTT-71141-CN addressed as Condition of Approval 9 of this determination. The subject zones C2 and C4 allow commercial and residential uses, and are designated Height District 4. Height District 4 permits unlimited height and a Floor Area Ratio (FAR) of 13:1, generally. However, the "D" designation denotes a development limitation, which would limit the developable floor area to six times the buildable area of the site, except that a prior Community Redevelopment Agency (CRA) action allows for development 7.73 times the buildable area. Although the subject property is generally subject to this limitation, the Subject Case contains a request by the Applicant to allow the developable floor area to be increased to 13 times the buildable area of the site through approval of a transfer of floor area (TFAR). As recommended for approval, the Project, which would include one approximately 65-story structure, no more than 1,250 feet in height, one approximately 45-story structure, no more than 750 in height, and an approximately six-story podium structure, no more than 168 feet in height, would comply with the height and area regulations of the zone in which it is located.

H. The Major Development Project is consistent with the general requirements adopted by the City Planning Commission as design guidelines for Major Development Projects, if any.

The City Planning Commission has not adopted specific design guidelines that address Major Development Projects in particular, however, the Commission has adopted the Downtown Design Guide which details design expectations for new projects and additions. The Subject Project is being proposed with a Design Flexibility Program that sets parameters yet allows for variations in the final project design details. The established parameters allow for analysis of the proposed project in the Environmental Impact Report (EIR) and through the remainder of the approval process. The design parameters are detailed above as Condition of Approval 6. Therefore, the subject Project has not yet been designed to a level of specificity needed to fully determine consistency with the Downtown Design Guide. As conditioned above in Condition 7, the Applicant must provide evidence of compliance with the Downtown Design Guide prior to Planning Department approval for any building permit. The aspects of compliance that can be determined are as follows:

Sustainable Design

Neighborhood Design (A) – The proposed project includes a pedestrian plaza and amenities such as sidewalk widening, landscape improvements, additional street lighting and outdoor retail and dining areas to support pedestrian walkability. In order to provide convenient transit access for residents, tenants and visitors, the plaza is positioned opposite the 7th Street Metro Station. In addition, the approximately one-quarter acre south-facing plaza will include significant landscaping, seating and a water feature.

Street and Alley Design (B) – As submitted, there is not enough design detail to determine the Project's ability to collect stormwater runoff; as Conditioned above in Condition 7, the Applicant will provide evidence of compliance with this Downtown Design Guide standard.

Site and Landscape Design (C) – Additional street trees will be planted, there is a proposed "green wall" along Francisco Street, and at least of 30% of the plaza will be landscaped or included in a water feature to enhance livability. As submitted, there is not enough design detail to determine the Project's ability to reduce solar gain; as Conditioned above in Condition 7, the Applicant will provide evidence of compliance with these Downtown Design Guide guidelines.

Building Design (D) – The applicant is pursuing, at a minimum, a Leadership in Energy and Environmental Design (LEED) certification level of Silver, from the United States Green Building Council (USGBC), for its efforts toward energy efficient, sustainable, and environmentally-friendly design. As submitted, there is not enough design detail to determine the Project's participation in the California Green Lodging Program; as Conditioned above in Condition 7, the Applicant will provide evidence of compliance with these Downtown Design Guide standards.

Sidewalks and Setbacks

Sidewalks (A) – As submitted, there is not enough design detail to determine the Project's sidewalk elevation and width requirements, parkway widths, curbside parking, setbacks, tree well positioning, and stormwater retention or treatment techniques; as Conditioned above in Condition 7, the Applicant will provide evidence of compliance with these Downtown Design Guide standards. The submitted Conceptual Plan for Landscape, Exhibit A, illustrates a possible trellis planting along 7th Street that projects over the property line and into the right-of-way.

Setbacks (B) – The Project proposes semi-continuous building "walls" along primary street frontages to promote pedestrian interest. However, as submitted, there is not enough design detail to determine the Project's setbacks; as Conditioned above in Condition 7, the Applicant will provide evidence of compliance with these Downtown Design Guide standards.

Ground Floor Treatment

Ground Floor Treatment along Retail Streets (A) – Seventh Street, Figueroa Street, and Wilshire Boulevard are all Retail Streets as defined in the Downtown Design Guide. As such, the site plans will be required to comply with Downtown Guidelines regarding retail frontage and façade to sustain street level interest and to promote pedestrian traffic. As Conditioned above in Condition 7, the

Applicant will provide evidence of compliance with these Downtown Design Guide standards.

Ground Floor Treatment along Other Streets (B) – Francisco Street is not a Retail Street as defined in the Downtown Design Guide, and as such, the project will be required to comply with standards to promote sidewalk activity, pedestrian oriented-scale, and appropriate treatment to "back of house" uses. As Conditioned above in Condition 7, the Applicant will provide evidence of compliance with these Downtown Design Guide standards.

Parking and Access

Parking is integrated into the design of the project through construction of a proposed eight-level subterranean parking structure, with access from Francisco Street, containing 1,900 parking spaces. The submitted plans (Exhibit A) illustrate two drop-off areas for the site; one curb-cut along the retail frontage of Wilshire Boulevard and one off-street taxi/valet area at the entrance of the hotel. According to the conceptual landscape plans, there is no sidewalk narrowing along the Wilshire Boulevard drop-off area. As stipulated by the Downtown Design Guide, the project will encourage the use of alternative modes of transportation by providing no more than the minimum required parking. The Applicant has applied for both a parking reduction and a shared parking approval, under separate entitlements herein. However, as submitted, there is not enough design detail to determine the Project's appropriate distribution of commercial/residential parking spaces and required bicycle parking spaces; therefore, as Conditioned above in Condition 7, the Applicant will provide evidence of compliance with these Downtown Design Guide standards.

Massing and Street Wall

Massing (A) – The podium does exceed 300' in length along Wilshire Boulevard; however at street level there is a wide pedestrian gallery that separates the façade in the middle of the block, along Wilshire Boulevard.

Street Wall (B) – The pedestrian gallery, as well as an identifiable break between the "podium" and the two towers, is designed to provide a comfortable scale for pedestrians.

Tower Spacing (C)– According to the Downtown Design Guidelines, the portion of a tower above 150 feet shall be spaced at least 80 feet from existing towers. The rights-of-way for 7th Street, Figueroa Street, and Wilshire Boulevard are all wider than 80 feet, thereby allowing towers to be built up to the property line along those streets. If a tower were built along the property line adjacent to Francisco Street, it would be less than 80 feet from an existing tower. However, the Downtown Design Guidelines does make an exception for towers built at an angle. As depicted in Exhibit A, Building B along Francisco Street is built at an angle and is therefore exempt from this standard. The towers, as illustrated in the Plans, follow the Design Guidelines standards for massing and form since they are complementary to one another, have graceful lines and slender massing.

In addition to tower spacing, the Downtown Design Guide also regulates the spacing of units in a project. The standard limits the minimum distance of windows in residential units from blank walls, public corridors, property lines, or from other residential units in the same project. The residential portion of the

project is all located in building B. Since there is no residential in the opposite tower, the standard regulating facing residential units is not relevant. Since the plans are still in a conceptual phase, and the layouts of the residential units is not finalized, findings cannot be made to determine whether the line-of-sight from the windows comply with minimum distances from property lines, blank walls, or public corridors.

Open Space
The proposed public plaza and pedestrian gallery provide publicly accessible open space and pedestrian linkages on the site. As proposed, there is a clear hierarchy of open spaces (public plaza, pedestrian gallery, roof top space, and private balconies) and open spaces are designed to have the character of "outdoor rooms". As Conditioned above in Condition 7, the Applicant will submit final plans and provide evidence of compliance with these Downtown Design Guide standards.

Architectural Detail
As submitted, there is not enough design detail to determine the Project's horizontal variation in the building's design. However, the Elevations (Exhibit A) show unique visual treatment along the street wall Through the use of a "podium" and tower massing, the conceptual plans meet the Design Guidelines standards for vertical variation. Building materials, windows, doors, glazing, lighting and mechanical screening cannot be determined from the conceptual plans. Therefore, as Conditioned above in Condition 7, the Applicant will provide evidence of compliance with these Downtown Design Guide standards.

Streetscape Improvements
As submitted, there is not enough design detail in the Composite Site Plan, Pedestrian Plan and Street Sections (Exhibit A) to determine the Project's appropriate sidewalk and curb design, paving pattern, and street lights, street trees, and planting plans; therefore, as Conditioned above in Condition 7, the Applicant will provide evidence of compliance with these Downtown Design Guide standards.

Signage
A Supplemental Use District for a sign district is proposed at this site to govern the allowable type, size, and location of signs.

Public Art
The Downtown Design Guide provides both goals and guidelines for the installation of public art. The Applicant will provide an aesthetically pleasing public space and pedestrian plaza and providing public art and programming in keeping with the City of Los Angeles public art guidelines, as provided for the in the Development Agreement. As Conditioned above in Condition 7, the Applicant will provide evidence of compliance with the Design Guide standards, including details about public art provisions.

In concept, the proposed Project complies with a range of "Principles for Creating a Livable Downtown" outlined in the Downtown Design Guide.

Employment Opportunities. Maintain and enhance the concentration of jobs…that provides the foundation of a sustainable Downtown.

The Project will offer a wide variety of skilled and unskilled jobs, both high wage and entry-level employment, within the existing Financial Core District. The Project will also increase vitality throughout the area by maximizing development of the site with new commercial and office uses that will provide numerous job opportunities and will support visitors and tourism.

Housing Choices. Provide a range of housing types and price levels that offer a full range of choices, including home ownership, and bring people of diverse ages, ethnicities, household sizes, and incomes into daily interaction.

The Project will consist of a mix of uses, including market-rate housing, and is centrally located on a transit corridor, which will allow residents convenient access to jobs and needs Downtown or throughout the City.

Transportation Choices. Enable people to move around easily on foot, by bicycle, transit, and auto. Accommodate cars, but fewer than in the suburbs, and allow people to live easily without one.

The location of the development within the Downtown Center and on a major transit corridor served by the Metro subway, bus service, DASH service, and freeways would make job opportunities and attractions accessible to the entire region via multiple transportation options. Moreover, the Project is proposed to provide reduced parking (an entitlement request contained herein, detailed in Finding 8, based on its proximity to transportation, internal trip capture, and a potential TDM program.

Shops and Services Within Walking Distance. Provide shops and services for everyday needs, including groceries, day care, cafes and restaurants, banks and drug stores, within an easy walk from home.

The Project will consist of office, retail, commercial, and restaurant uses, that can provide services to the existing and future residents and employees in and around the Project Site.

Gathering Places. Provide places for people to socialize, including parks, sidewalks, courtyards, and plazas, that are combined with shops and services. Program places for events and gatherings.

As discussed more fully below, the Project will incorporate an approximately ¼ acre plaza within the Project Site, complete with landscaping, benches, pedestrian scale lighting and other amenities, located adjacent to the proposed mixed-use development. The Project will provide 275,000 square feet of retail and restaurant uses, both indoors and outdoors.

Accommodate vehicular access and parking in a way that respects pedestrians and public space and contributes to the quality of the neighborhood.

Vehicular access will be provided at Wilshire Boulevard, on 7th Street (drop-off and valet only) and Francisco Street (parking garage access). Each of these access points are designed so as to avoid any pedestrian vehicular conflicts and to respect the pedestrian orientation of the Project.

Sustainability is the overarching goal of the Design Guide and essential to the concept of a livable Downtown.

The Applicant is seeking a minimum Leadership in Energy and Environmental Design (LEED) Silver certification from the United States Green Building Council (USGBC) for the Project. Sustainable design features are proposed to include: roof- or building-mounted photovoltaic panels; building-integrated photovoltaics; daylighting of work areas; operable windows and fresh air circulation; dual piping to enable the use of recycled water; water efficient fixtures; and recycling during demolition and construction. Therefore, the Project will incorporate a wide range and building technologies and design features that would help promote a sustainable environment by saving energy, reducing water consumption, making use of recycled materials, and producing better indoor and outdoor environmental quality. In addition, Project will reduce the costs of new infrastructure by using existing streets, transportation options and other infrastructure, thereby contributing to its sustainability.

The Project complies with the following design guidelines and standards concerning sustainability and transportation:

"...Design all projects as transit-oriented developments (TODs) that encourage residents, tenants, and visitors to use transit."

"Orient projects to provide convenient access to the nearest transit options (Metro rail or bus, DASH) wherever possible."

The Project would provide a highly concentrated mixed-use center including new development and jobs at a site adjacent to the 7th Street Metro Center station and served by several Metro bus lines and DASH lines, thus providing opportunities for employees, visitors, and local residents to access to the site.

The Project complies with the following design guidelines concerning on-site open space:

"Provide publicly accessible open spaces at street level that provide pedestrian linkages throughout Downtown."

"Provide adequate open space to serve residents."

"Incorporate amenities that facilitate outdoor activities such as standing, sitting, strolling, conversing, window-shopping and dining, including seating for comfort and landscaping for shade and aesthetics."

The Project will include a one-quarter acre outdoor plaza at the corner of 7th and Figueroa Streets, this will provide pedestrian connectivity from the Project Site to the 7th Street/Metro Center subway station, as well as provide pedestrian linkages throughout Downtown. The Project will provide on-site pedestrian amenities such as plazas, benches, landscaping, and new structures will be located to form common and semi-continuous building 'walls' along primary street frontages and pedestrian sidewalks with facades designed to promote pedestrian interest. Outdoor restaurants and sidewalk amenities will contribute to making pedestrian activity a pleasant experience, with features such as street

trees and landscaping, benches, pedestrian-oriented lighting and signage, and attractive paving materials, bicycle amenities.

I. The Major Development Project would have no material adverse impact on properties, improvements or uses, including commercial uses, in the surrounding neighborhood.

The Subject Project is comprised of buildings, including towers, and a mix of uses that are appropriate in scale to the location of the site within the region's major development center Downtown Los Angeles. The project is proposed to be developed as a high-end, mixed-use, sustainable development, designed to pursue Leadership in Energy and Environmental Design (LEED) Silver certification from the United States Green Building Council (USGBC), for its energy efficient, sustainable, and environmentally-friendly design. The Project will bring vitality to the surrounding neighborhood and an enhanced pedestrian experience by the addition of a new outdoor plaza, retail, restaurant, other amenity uses. Individual buildings will be designed at a scale, profile, and placement that is consistent with existing Downtown development, while improving the pedestrian environment.

The Project will be designed to ensure that mechanical equipment, antennas, helistop, and satellite dishes would either be screened from public view and be visually integrated with the architectural design of the building. In addition, ventilation intakes and exhausts will be located to minimize any adverse effects on pedestrian comfort along sidewalks. Air flow from such the intakes and exhausts will be directed away from the public realm, as Conditioned above in Condition of Approval 7. Exterior building lighting and landscape lighting will be directed away from adjacent properties and roadways, and shielded as necessary. Also, reflective materials or other sources of glare would be designed or screened to not impact views, nor result in measurable heat gain upon neighboring windows.

The loading dock would be provided within the subterranean parking structure to minimize disturbances to the surrounding neighborhood. Vehicular access to the Project Site would be provided at grade level via a drop-off area on Wilshire Boulevard, a valet and drop-off area on 7th Street, and direct parking access on Francisco Street. Therefore, resident, guest, and visitor parking and circulation would not have an adverse impact on neighboring uses.

The Project would include an outdoor plaza at the corner of 7th Street and Figueroa Street. The approximately one-quarter acre plaza would provide pedestrian connectivity from the Project Site to the 7th Street/Metro Center subway station at the southeast corner of Figueroa Street and 7th Street. The plaza would provide an outdoor gathering space for special events and would provide a linkage to the Los Angeles Sports and Entertainment District (LASED), including Staples Center, L.A. Live!, the Convention Center, as well as the future Grand Avenue project to the north, and public parks in the area.

Lastly, as required by CEQA and as set forth in the Final EIR prepared for the Project (Exhibit I), Project design features, mitigation measures, and alternatives were identified and proposed in order to address any of the Project's potential environmental effects on the surrounding neighborhood. The Project would also comply with any conditions of approval, which would serve to protect the best interest of the surrounding neighborhood and prevent or mitigate any potential Project-related significant environmental impacts in the area.

3. **Development Agreement** – Pursuant to § 65865 of the California Government Code, and with conformance to the City of Los Angeles Department of City Planning's *Special Instructions for Private Project Development Agreements* (City Planning Commission Case 86-404), the Applicant requests approval of a Development Agreement to provide for the orderly and predictable development of the Project in accordance with the objectives set forth in the General Plan, the Central City Community Plan and any other applicable City rules, statutes, regulations and policies.

   The Applicant requests approval of the Development Agreement to provide assurance that it may (1) complete the Project with the uses and to the density and intensity approved by the City through the granting of various land use entitlements; (2) assure attainment of the public objectives and benefits for the City as described in the Development Agreement; (3) eliminate uncertainty in planning for and secure orderly development of the Project; (4) assure the most efficient utilization of resources within the City at the least economic cost to its citizens; and; (5) otherwise achieve the goals and purposes for which the Development Agreement Act was enacted. The proposed project may include more than 500 dwelling units based on the Project's Equivalency Program (the Project proposes 100 dwelling units). If the project proposes more than 500 dwelling units, the Applicant must comply with the provisions of California Government Code Section 66473.7 (the Applicant must submit a SB 221 verification of water supplies prior to issuance of a building permit).

   As set forth below, all of the required findings for consistency, per California Government Code § 65867.5, can be made in approving the Development Agreement attached as Exhibit E. The proposed Development Agreement is a legislative act subject to approval by the City Council and is in compliance with CPC 86-404. As further described below, the Development Agreement is consistent with the objectives, policies, and programs specified in the City of Los Angeles General Plan, including the Central City Community Plan and is not governed by a Specific Plan.

   Pursuant to Section 65867.5 of the Government Code, the City Council of the City of Los Angeles hereby approves of that certain Development Agreement by and among Hanjin International Corporation c/o Thomas Properties Group, L.P. (known collectively as "the Developer") and the City of Los Angeles and makes the following findings with regard to the Development Agreement and its approval by the City:

A. *That State Government Code Section 65864 through 65869.5 authorizes municipalities to enter into binding development agreements with the* persons having legal or equitable interest in real property for the development of such property.

B. *A development agreement is a legislative act that shall be approved by ordinance and is subject to referendum.*

C. *The City of Los Angeles has adopted rules and regulations establishing procedures and requirements for consideration of development agreements under Citywide Development Agreement Procedures (CF 85-2313-S3)*

D. *The Development Agreement between the City of Los Angeles and the Developer ~~was entered into on _____, 2010~~ will be entered into once authorized by the City Council and recorded~~, on _____, 2010~~ on a future date subsequent to that in the Official Records of Los Angeles County~~, California as Instrument No. _____~~.*

E. The Development Agreement complies with all applicable City and State regulations governing development agreements.

F. Pursuant to Section 65867.5 of the Government Code, the Development Agreement is consistent with the objectives, policies and programs specified in the City of Los Angeles General Plan, including the General Plan Framework, Transportation Element, and the Central City Community Plan.

General Plan Framework

The Framework Element of the General Plan establishes general policies for the City of Los Angeles based on projected population growth. Land use, housing, urban form and neighborhood design, open space, economic development, transportation, infrastructure, and public services are all addressed in the context of accommodating future City-wide population increases. The City's various land use "categories" are defined based on appropriate corresponding development standards including density, height, and use.

The Framework Element defines the Downtown Center, which is bounded by Cesar Chavez Avenue to the north; Alameda Street to the east; Santa Monica (10) Freeway to the south; and the Harbor (110) Freeway to the west, as *"an international center for finance and trade that serves the population of the five-county metropolitan region. It is the largest government center in the region and the location for major cultural and entertainment facilities, hotels, high-rise residential towers, regional transportation facilities, and the Convention Center. These uses serve the region, state, nation and world. Generally, the Downtown Center is characterized by FARs up to 13:1 and high-rise buildings."*

The Project is consistent with policies in the Framework Element that provide for *"business retention and attraction and [that] seek to maintain the area's economic role in the regional economy."* To that end, the Project will redevelop an underutilized site and will provide a sustainable, large-scale, high-rise, mixed-use development that incorporates new Class A offices, residential units, hotel, open space and amenity uses. The location of the development within the Downtown Center and on major transit corridors served by Metro subway, light rail, and local and regional bus services, as well as DASH service and regional freeways is consistent with the Framework policy to encourage economic development by making job opportunities and attractions accessible to the entire region and "provide for a spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution" (Objective 3.2). The overall 13:1 FAR of the Project will be compatible with the surrounding high-rise character of the Financial Core District and the Downtown Center designation in the General Plan, thereby serving to implement Objective 3.11: *Provide for the continuation and expansion of government, business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center.*

The Project is also consistent with the Framework's policy for *"new housing opportunities and services to enliven the downtown and capitalize on the diversity of the City's population."* As discussed above, the Project will consist of a mix of uses, including housing, and is centrally located on a transit corridor, which will allow residents to easily access their residences and connect them to their jobs throughout the City or downtown.

Given the project's location across Figueroa Street from the 7th Street/Metro Center/Julian Dixon Station, with access to the Metro Red, Purple, Blue, and (future) Expo Line, and served by numerous bus lines, the proposed project will support and be consistent with the Framework's Urban Form and Neighborhood Design Objective 5.2, to *"encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region."* The Project will also advance overarching planning goals set forth in the Framework Element, including the establishment of a *"physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas..., and achievement of the vision for a more livable city."*

Located in the Downtown Los Angeles Financial Core District, which is bordered by South Park to the south and southwest, Historic Core to the east and southeast, Bunker Hill and the future Grand Avenue project to the north and northeast, and City West to the north and northwest across the Harbor Freeway, the Project will promote a physically balanced distribution of land uses by placing new Class A office space in close proximity to other office uses within the Financial Core District, as well as new hotel space within close proximity not only to the Financial Core District, but also to the Convention Center and main entertainment and culture centers of Downtown Los Angeles. The Project will create an economic benefit by serving as a catalyst to increase Convention Center activity. The Project will also replace the Wilshire Grand Hotel and Centre, which is a deteriorating asset that has been estimated as closing within the next two years. The Project will also further the objective that the Downtown Center continues as *"a primary destination for business persons, government employees, and travelers from around the world"* by locating a mix of uses, including hotel, office and commercial uses that will draw these populations. In addition, the new residential uses, along with the new retail, restaurant, and other amenity uses will further advance the revitalization of Downtown, as well as further the Framework Element vision for a Downtown Center where *"nighttime uses should be encouraged...to meet the needs of residents and visitors."* By both providing assurances to the developer that the Project can be developed as proposed and providing assurances to the City of financial and non-financial considerations, the requested Development Agreement will facilitate the development of the Project, further enhancing Downtown as a center of regional commerce, identity, and activity.

To promote lively pedestrian activity within the site, the Project will also include approximately 275,000 square feet of amenities and services including, retail, restaurant, conference rooms, meeting rooms, and ballrooms associated with the hotel use, as well as a spa and fitness center. In addition, the Project will also include a minimum one-quarter acre outdoor plaza at the corner of 7th and Figueroa Streets, providing pedestrian connectivity from the Project Site to the 7th Street/Metro Center subway station, as well as contributing to a more pedestrian-oriented environment for residents, employees and visitors of the area. These uses will be consistent with Framework Element Objective to *"[a]ccommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity."* Pedestrian-oriented features such as plazas, benches, landscaping, and other amenities will be utilized in the design of the outdoor plaza area to enhance the project and serve as a gathering space for workers, residents, visitors, and the surrounding community. This is compatible with the Framework Element encouragement of commercial and mixed-used districts that promote pedestrian activity.

The location of the Project across the street from the 7th Street/Metro Center epitomizes the Framework Element's vision of integrating Downtown Center density with public transportation infrastructure and will encourage the use of transit by hotel guests, on-site residents and their guests, retail patrons, and employees. This is compatible with the Framework Element that envisions that the "*Downtown Center will continue to accommodate the highest development densities in the City and function as the principal transportation hub for the region.*"

The Framework Element states, "*to support Downtown as the primary center of urban activity of the Los Angeles region, its development should reflect a high design standard.*" The Project will be designed to a high architectural design standard and is envisioned to be an aesthetic and functional landmark serving to bridge the Financial Core District with South Park, including the Convention Center, L.A. Live, and Staples Center, with Bunker Hill and the planned Grand Avenue development. In addition, the Project Applicant is pursuing Leadership in Energy and Environmental Design (LEED) Silver certification from the United States Green Building Council (USGBC) for its efforts toward energy efficient, sustainable, and environmentally-friendly design.

Transportation Element

The Transportation Element of the General Plan guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods. The Transportation Element recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit. With respect to proposed development projects, the Transportation Element seeks to align transportation and land use decision-making by encouraging "*development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans*" (Objective 3). Additionally, the Transportation Element seeks to "*enhance pedestrian circulation in neighborhood districts, community centers, and appropriate locations in regional centers and along mixed-use boulevards; [and] promote direct pedestrian linkages between transit portals/platforms and adjacent commercial development through facilities orientation and design*" (Policy 3.13). As described above, the proposed project is located in the Downtown Center and adjacent to the 7th Street/Metro Center subway station at the heart of the region's transit network. The proposed project will promote increased transit access through its site design, which contains an emphasis on pedestrian connections and amenities to encourage public transit usage. By providing a mixture of office, hotel, residential, restaurant, and retail uses, and a public plaza, the project will promote ground floor pedestrian activity and circulation. The project will also create direct pedestrian connections through the site, linking land use development with transit infrastructure consistent with the policies and objectives of the Transportation Element.

Central City Community Plan

The project site is located within the adopted Central City Community Plan area. The Community Plan outlines the arrangement and intensities of land uses, the street system and the location and characteristics of public service facilities within its geographic boundaries. In particular, the Central City Community Plan "*promotes an arrangement of land use, infrastructure, and services intended to enhance the economic, social and physical health, safety, welfare, and convenience of the people who live, work, and invest in the community*" (p. I-2, Central City Community Plan).

The proposed project is consistent with the land use designation in the Central City Community Plan. The Community Plan designates the site for "Regional Center Commercial" land uses, which corresponds to the existing C2-4D/C4-4D Zones. Upon approval of the various land use entitlement requests, the proposed project – with a maximum of 560 hotel rooms and/or condo-hotel units, 100 residential dwelling units, 1,500,000 square feet of office uses, and 275,000 square feet of amenity areas including, but not limited to, Project-serving retail and restaurant uses, conference and meeting rooms, ballrooms, spa, fitness center, and other ancillary hotel, residential, and office areas ("Services") – will contain primary and ancillary uses that are permitted under the LAMC and are consistent with the General Plan, which allows mixed commercial/residential uses in the C2-4D and C4-4D Zones. The final mix of uses would be subject to the Land Use Equivalency matrix.

The proposed project will be properly related to the project site and the proposed uses and design will be compatible with the adjacent and surrounding properties. The adjacent properties are all within the C2 and C4 Zones, are in Height District No. 4, and are characterized by high-rise office towers with a mix of low and mid-rise structures with a variety of commercial uses and associated parking.

The proposed project will advance a number of goals and policies in the Central City Community Plan, including:

Objective 2-1: "To improve Central City's competitiveness as a location for offices, business, retail, and industry," (p. III-5).

> *Policy 2-1.1: "To reinforce Bunker Hill and the Financial Core Districts as dominant centers for legal, financial, and other corporate services for Southern California and the Pacific Rim," (p. III-5).*

Objective 2-2: "To retain the existing retail base in Central City," (p. III-5).

> *Policy 2-2.1: "Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses," (p. III-5).*

Objective 2-3: "To promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows, and tourism," (p. III-6).

> *Policy 2-3.1: "Support the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas of Central City and the Figueroa Corridor," (p. III-6).*

Objective 2-4: "To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which will also foster increased tourism," (p. III-6).

> *Policy 2-4.1: "Promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity," (p. III-7).*

The proposed project will maximize the development potential of this site with a new mixed-use center reinforcing and enhancing the Financial Core District, which currently

accommodates a broad range of uses and job opportunities and attractions. The project will include commercial, office, hotel and restaurant uses that will provide a diversity of job opportunities, for both skilled and unskilled labor, with a variety of pay grades. The project will also include approximately 50,000 square feet of neighborhood serving retail and restaurant uses, thereby retaining a retail presence in the Downtown Center. Furthermore, the hotel and its amenities will attract visitors who will be able to easily access the nearby tourist and convention sites using the public transportation infrastructure and who will contribute to the existing and proposed retail base.

Objective 4-1: "To encourage the expansion and additions of open spaces as opportunities arise," (p. III-10).

> *Policy 4-4.1: "Improve Downtown's pedestrian environment in recognition of its important role in the efficiency of Downtown's transportation and circulation systems and in the quality of life for its residents, workers, and visitors," (p. III-11).*

The project will include an enhanced public plaza near the corner of 7th Street and Figueroa Street, including landscaping, lighting, public art, a water feature and outdoor retail and dining areas. The approximately one-quarter acre pedestrian plaza will provide a public outdoor gathering space for special events and will serve to expand the network of urban open space that currently exists in the area. It will also include streetscape improvements include sidewalk widening, landscape improvements and additional street lighting to create a more pedestrian-friendly street.

Transfer of Floor Area Ratio (TFAR): "The transfer of floor area between and among sites is an important tool for Downtown to direct growth to areas that can best accommodate increased density and from sites that contain special uses worth preserving or encouraging," (p. III-19).

Objective 11-1: "To keep downtown as the focal point of the regional mobility system accommodating internal access and mobility needs as well," (p. IV-2).

Objective 11-4: "To take advantage of the district's easy access to two mass transit rail lines, the freeway system, and major boulevards that connect Downtown to the region," (p. IV-6).

Objective 11-6: "To accommodate pedestrian open space and usage in Central City," (p. IV-8).

> *Policy 11-6.1: "Preserve and enhance Central City's primary pedestrian-oriented streets and sidewalks and create a framework for the provision of additional pedestrian friendly streets and sidewalks which complement the unique qualities and character of the communities in Central City," (p. IV-8).*

Urban Design Objective: "To provide an extensive, well-formed and well-maintained pedestrian network," (p. V-7).

The proposed project will make use of the Transfer of Floor Area provision contained in the Los Angeles Municipal Code and referenced in the Central City Community Plan, to more intensely develop this transit-rich location adjacent to the 7th Street/Metro Center subway station. The scale of the project, combined with the wide mix of uses proposed,

will serve to reinforce Downtown Los Angeles as the hub of the regional transit system. The project will create pedestrian improvements around the periphery of the project site, as well as along 7th Street to the east and west, which will further promote transit usage and access and advance Community Plan goals aimed at enhancing the pedestrian environment in the Central City.

Objective 11-7: "To provide sufficient parking to satisfy short-term retail/business users and visitors but still find ways to encourage long-term office commuters to alternate modes of access," (p. IV-9).

Policy 11-7.8: "Develop a comprehensive parking policy for Downtown that is closely coordinated with other elements of the transportation strategy. It should constrain on-site supply in the CBD, and provide a balanced program of peripheral, intercept, and park-and-ride facilities in transit corridors. This policy should focus increasing emphasis on intercepting automobile travel further and further from the CBD...," (p. IV-10).

The project will incorporate reduced parking based on its proximity to transit, internal trip capture, and an extensive Transportation Demand Management (TDM) program. As such, adequate parking will be provided to accommodate the needs of short-term retail/business users and visitors, while meeting Community Plan policies aimed at constraining the supply of on-site parking in the Central Business District and encouraging office commuter to use transit and other transportation alternatives.

Therefore, the Development Agreement will be consistent with the Central City Community Plan because it promotes an arrangement of land use, infrastructure, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the community.

G. *The Development Agreement is in substantial conformance with public necessity, convenience, general welfare and good zoning practices and the intensity, building height and uses set forth in the Development Agreement are permitted by and consistent with the Central City Community Plan.*

As stated above, the project site is located within the adopted Central City Community Plan area and is classified within the "Regional Center Commercial" land use designation, corresponding to the C2 and C4 Zones. The project site is within the C2-4D and C4-4D Zones and is not within a specific plan area. The applicant is requesting a Development Agreement, Transfer of Floor Area Rights, a Zone Variance, a Zoning Administrator's Adjustment, and several Conditional Use Permits. Upon approval of these various requests, the proposed project will comply with the applicable provisions of the LAMC, including the Planning and Zoning Code.

The density, building heights, and uses set forth in the Development Agreement are permitted and are consistent with the "Regional Center Commercial" designation in the Central City Community Plan and the corresponding C2-4D and C4-4D Zones. The C2 and C4 Zones allow commercial and residential uses, which are included in the proposed project. Pursuant to LAMC Section 12.21.1 A.4, Height District No. 4 does not establish a maximum height but limits development to a Floor Area Ratio of 13:1. Footnote No. 3 of the Central City Community Plan corresponds with the adopted "D" limitation (Ordinance No. 164307) contained in the zoning of the lot which limits development intensity to 6:1 FAR, except up to 13:1 FAR with a transfer of floor area.

(However, a prior Community Redevelopment Agency (CRA) action allows for a base Floor Area Ration (FAR) of 7.73:1 at this site.) The proposed project will include one approximately 65-story structure, no more than 1,250 feet in height; one approximately 45-story structure, no more than 750 in height; and an approximately six-story podium structure, no more than 168 feet in height. The FAR of the Project will not exceed the 13:1 limit. Surrounding properties are generally developed with commercial, retail (including bars and restaurants) and offices uses, with associated parking, and are located within the C2 and C4 Zones, in Height District No. 4. The surrounding properties are all designated "Regional Center Commercial" land uses by the Central City Community Plan.

The Development Agreement will not be detrimental to the public health, safety, and general welfare since it encourages the construction of a project that is desirable and beneficial to the public. Approval of the Development Agreement will provide public benefits and additional considerations not otherwise part of the entitlements process that will benefit Downtown Los Angeles and the City of Los Angeles as a whole. Approval of the Development Agreement will promote the general welfare by providing regional commercial office, hotel, and retail uses within close proximity to an existing entertainment and employment center (the Convention Center, Staples Center, L.A. Live, the Financial Core District, and Bunker Hill District of Downtown Los Angeles) and public transportation opportunities, including a Metro subway station and multiple local and regional bus lines. The Project will exhibit innovative environmental design features, including setting a new standard for sustainable design for high-rise development in the City of Los Angeles. The public plaza, landscaping, widened sidewalks, and other pedestrian-friendly features included in the project will also bring benefits to the surrounding community by providing a high quality public realm.

In light of the above and upon approval of the various land use entitlement requests included herein, the proposed project is in substantial conformance with public necessity, convenience, general welfare and good zoning practice.

H. The Development Agreement will not be detrimental to the public necessity, convenience and general welfare because it encourages the construction of a project, which is desirable and beneficial to the public. Furthermore, the Development Agreement permits' application to the proposed project of rules and regulations enacted after the effective date of the Development Agreement that are necessary to protect the public health and safety and are generally applicable on a citywide basis.

As described in detail above, approval of the Development Agreement will not be detrimental to the public necessity, convenience, and general welfare because it encourages the construction of the proposed project, which is desirable and beneficial to the public. Moreover, development of the project will generate additional employment opportunities, both temporary and permanent, that further promote the general welfare. The Development Agreement will not be detrimental to the future residents or tenants of the Project Site, the surrounding community, or the City in general because it encourages the construction of a project which is appropriately designed for the site in relationship to surrounding uses and the vision for downtown Los Angeles as set forth in the Central City Community Plan. The project will provide an increased tax base in terms of both property and sales taxes that, in turn, will assist in the support of the necessary City services that are required for the development. The requested Development Agreement will ensure orderly development of the project in accordance with good planning practice. The Agreement will vest the Applicant's rights to develop the Project and provide assurances that the Project will proceed in accordance with all existing

applicable rules, regulations, and conditions of approval imposed on the project. The Agreement also will strengthen the public planning process by encouraging a comprehensive development plan while reducing the economic costs of development to the Applicant and the public.

The City retains its Reserved Powers in the Development Agreement (Exhibit E) to enact regulations after the effective date of the Development Agreement that conflict with the Applicable Rules of the Development Agreement if they are necessary to protect public health and safety and are generally applicable on a city-wide basis, or are amendments to the Los Angeles Fire Code or Los Angeles Building Code, are necessary to comply with state and federal laws and regulations, or constitute processing fees required for the performance of any condition imposed by the project.

I. *The Development Agreement complies with all applicable City and State regulations governing development agreements.*

Term.
The Development Agreement provides a term of 20 years after the effective date. The additional public benefits being offered by the applicant are of substantial importance to warrant the subject Development Agreement's 20-year term.

J. *The Development Agreement is necessary to strengthen the public planning process and to reduce the public and private costs of development uncertainty.*

The public planning process benefits from the proposed Development Agreement because the Applicant and the City are assured that the project, as approved, may be implemented in accordance with existing policies, rules and regulations and subject to conditions of approval. This reduces uncertainty for the applicant and will reduce costs associated with the development.

In light of the current economic uncertainties, the City and Applicant seek to enter into a development agreement to provide certainty that the proposed project will be developed in accordance with the Project Description, which will be a significant public benefit and will strengthen the public planning process and reduce the public and private costs associated with development uncertainty for all of the reasons outlined above.

Pursuant to the LAMC, the various entitlements applied for are valid for varying periods of time. Upon the expiration of the shortage period of time the Applicant must re-apply for the entitlement. The Development Agreement will have the beneficial effect of vesting the entitlement for a single, uniform period of time, as described in the Development Agreement.

K. *The Development Agreement provides assurances to the developer of the right to develop a project in accordance with the terms of the agreement and that adequate consideration is provided to the City.*

The Development Agreement is necessary to strengthen the public planning process and to reduce the public and private costs of development uncertainty. The City will obtain the benefits of processing and negotiating in a single comprehensive planning document all requirements, exactions, and other necessary planning actions related to the Project and facilitate efficient implementation of the General Plan, of which the Community Plan is a part. The City will obtain assurance that the planning and development of the development phases of the Project proceed in accordance with a

comprehensive and coordinated planning process involving the City and Applicant in which public and private goals, objectives, and interests are thoughtfully integrated and balanced in accordance with the General Plan.

By entering into the Development Agreement, the City will obtain various public benefits not otherwise obtainable and for which no nexus exists per the proposed project's conditional approval that will benefit the surrounding community and the City as a whole. The proposed project provides the following public benefits:

Through the Development Agreement and the Transfer of Floor Area payment, the project will create or contribute to a number of benefits to the City and its citizens. The largest monetary commitment is to a series of efforts addressing transportation alternatives, including the creation of a Transportation Demand Management (TDM) Program to reduce the use of single occupant vehicles, transit improvements including an access panel for a future subterranean connection to the adjacent Metro subway portal, technology enhancements to notify riders of impending arrivals, and funding of a new DASH shuttle. A mobility hub will also be installed on the plaza as part of the project. The Applicant is providing transportation benefits such as contributions to the Caltrans Harbor Freeway Improvement program, LADOT's ExpressPark program, and improvements for traffic signal performance.

Extensive pedestrian enhancements have been negotiated by the Planning Department including contributions to streetscape and pedestrian improvements project along 7th Street and the Wilshire and 7th Street Harbor Freeway overcrossings. As well, the Applicant is providing, maintaining, and operating a one-quarter acre outdoor plaza on the site, with public access through portions of the project, and public art and programming. Other benefits include a green-building at the LEED Silver level, public service provisions on signage, the donation of public meeting spaces in the hotel, and contributions to build an off-site affordable housing project and fund a Harbor Freeway Cap Park Feasibility Study.

A summary of public benefits in exchange for consideration of the Development Agreement is attached as Exhibit E.

4. **Transfer of Floor Area Rights** -- Pursuant to Sections 14.5.6, and 14.5.8 through 14.5.12 of the Municipal Code. The Applicant requests a Transfer of Floor Area Rights from the Los Angeles Convention Center Site at 1201 S. Figueroa Street, a City-owned property, to the subject property at 930 Wilshire Boulevard, for an amount not to exceed 1,485,458 square feet, resulting in an increase in the maximum floor area ratio otherwise permitted, from 7.73:1 to 13:1.

Project Site Buildable Areas	Buildable Area (SF)	Existing		Requested	
		FAR Rights	Floor Area Rights (SF)	FAR Rights	Floor Area Rights (SF)
Base Parcels	117,962	7.73:1	911,846	13.00:1	1,533,506
7th Street; (North 40 Feet); Figueroa Street (West 50 Feet); Wilshire Boulevard (South 45 Feet); Francisco Street (East 30 Feet)	66,446	0	0	13.00:1	863,798

Totals:	184,408		911,846		2,397,304
Total Requested TFAR = 1,485,458 SF (i.e., 2,397,304 SF minus 911,846 SF)					

A. *The increase in Floor Area generated by the proposed Transfer is appropriate with respect to location and access to public transit and other modes of transportation, compatible with other existing and proposed developments and the City's supporting infrastructure, or otherwise determined to be appropriate for the long-term development of the Central City.*

The Receiver site is located on one full city block bounded by 7th Street, Francisco Street, Wilshire Boulevard, and Figueroa Street in the Central City Community Plan Area, and the increase in Floor Area generated by the proposed Transfer is appropriate and well-suited with respect to location and access to public transit and other modes of transportation. The Project site is situated across Figueroa Street from a portal to the 7th Street/Metro Center subway station, one of the busiest rail stations in Southern California. The 7th Street/Metro Center station provides access to the Metro Purple and Red Line subways, as well as light rail services on the Metro Blue and (future) Expo Line. The Purple and Red Line subways link the Central City with Mid-Wilshire, Hollywood, and the San Fernando Valley, with connecting service to the Metro Orange Line, and direct connections to the Metro Gold Line, Metrolink commuter rail, and Amtrak passenger rail service available at Los Angeles Union Station. The Metro Blue Line links the Central City with Southeast Los Angeles and Long Beach, with connecting service to the Metro Green Line, while the Metro Expo Line (under construction) will link the Central City with South Los Angeles, Culver City, West Los Angeles, and Santa Monica in the coming years. The Receiver site is also served by numerous Metro and municipal bus lines along both 7th Street and Figueroa, providing additional local and regional transit access from dispersed points across the City and County. Bus lines serving the Project site include Metro Local 20, 26, 51, 52, and 60, Metro Limited 352, Metro Express 439, 442, 445, 450X, 460, 487, and 489, Metro Rapid 760, Metro Silver Line (910), Big Blue Bus 10, Foothill Transit 493, 497, 498, 499, 699, Antelope Valley Transit Authority 785, Santa Clarita Transit 799, and LADOT DASH A, E, and F.

The Transfer is appropriate at this location since high density mixed-use developments are encouraged in areas that provide a variety of transit options. The Project's convenient location and inclusion of a Transportation Demand Management program would encourage the use of transit by office and retail employees, hotel guests and visitors, on-site permanent residents and their guests, and retain patrons. This would reduce the number of single occupancy vehicle trips created by the increase in development intensity due to the transfer of floor area.

The site is also located within the Downtown freeway loop, with regional access provided by the Harbor Freeway (SR-110), Hollywood Freeway (US-101), Santa Monica Freeway (I-10), and Golden State Freeway (I-5). Modified major highways serving the Project area include Wilshire Boulevard, Figueroa Street, and Olympic Boulevard. Local vehicular access to the Project site would be provided at grade level via a drop-off area on Wilshire Boulevard, a valet area on 7th Street, and direct access to the subterranean parking structure on Francisco Street. Additionally, a drop-off area may be provided on Figueroa Street. Parking for the Project would be provided in a maximum of eight levels of subterranean parking containing approximately 1,900 parking spaces to ensure that adequate on-site parking and appropriate ingress and egress would facilitate compatibility with other development in the surrounding neighborhood.

The increase in Floor Area generated by the proposed Transfer will result in a project that is compatible with other existing and proposed developments and the City's supporting infrastructure. The Receiver site is located in the built-up Financial Core District, surrounded by high-rise office towers in each direction with some low to mid-rise structures present as well. The structures that immediately surround the Project site include the 21-story, 350-foot tall 1000 Wilshire building to the west across Francisco Street; the 23-story, 288-foot tall 911 Wilshire building across Wilshire Boulevard to the north; and the 53-story, 717-foot tall Figueroa at Wilshire building across Wilshire Boulevard to the northeast. To the east of the Project site across the intersection of Wilshire and Figueroa Street are the six-story building at 835 Wilshire, the 15-story Northwestern Mutual Life building at 888 W. 6th Street, and a five-story above-ground parking structure fronting Figueroa between these two buildings. Located across Figueroa Street to the southeast of the Project site are a one-story vacant building at the southern corner of the intersection of Wilshire and Figueroa, the approximately three-story Mullen Building/Historic Fire Station No. 28, and the 24-story, 356-foot tall Figueroa Tower. To the south of the Project site across the intersection of 7th Street and Figueroa is the 12-story, 174-foot tall 818 Plaza building with adjacent surface parking lot as well as two parking structures, one six-story and one seven story, which also occupy the block. To the west and southwest of the Project site across 7th Street are the 42-story, 534-foot Ernst & Young Plaza building and 7th + Fig Center; the 52-story, 725-foot tall 777 Tower; and an approximately 13-story parking structure which serves these properties. The surrounding structures listed above generally consist of high-intensity development with a mix of office uses and ground floor commercial/retail uses housed in structures ranging from small buildings to skyscrapers.

The proposed project constitutes an infill development that makes more intensive use of a site which is already well-served by existing infrastructure, including access to robust transportation alternatives. In addition, the project will incorporate significant transportation improvements, including:

The proposed Receiver site is centrally located near frequent transit services, would be compatible with densely developed surroundings, and would be in close proximity to jobs, housing, and a wide range of use and public services. The intensity and mix of the proposed residential and commercial uses are compatible with the current density and mix of uses in the area, and will contribute to the establishment of a 24-hour community in downtown Los Angeles. The Transfer is appropriate for the long-term development of the Central City because it will enable the Project to include 1,500,000 square feet of new Class "A" office space in the Financial Core District, contributing to the revitalization and modernization of downtown Los Angeles including job creation and increased City tax revenue generation, maintaining the strong image of downtown as the major center of the metropolitan region, and serving as a linkage and catalyst for other downtown development.

B. The Transfer serves the public interest.

The Transfer serves the public interest by facilitating a project that will contribute to the sustained economic vitality of the Central City, and by contributing a total Public Benefit Payment of $17,825,483 (based on the use of the maximum TFAR approved) and a TFAR Transfer Payment of $7,427,289, in accordance with the TFAR Ordinance. The Public Benefit Payment consists of a cash payment of $8,912,746 to the Public Benefit Payment Trust Fund, and the in-kind provision, maintenance, and operation of a minimum one-quarter acre pedestrian plaza on the project site, valued at an equivalent

amount. The plaza will be located at or near the corner of Figueroa Boulevard and 7th Street at the ground level of the Receiver site and will provide a public outdoor gathering space with enhanced landscaping and enriched paving to serve the project site and the surrounding business and residential community. The Project will also provide streetscape improvements, such as sidewalk widening, landscape improvements, and additional street lighting to create more pedestrian-friendly street frontages around the Project.

C. *The Transfer is in conformance with the Community Plan and any other relevant policy documents previously adopted by the Commission or the City Council.*

The Project site is located within the Central City Community Plan and has a Regional Center land use designation. The Central City Community Plan describes the transfer of floor area as "an important tool for Downtown to direct growth to areas that can best accommodate increased density and away from sites that contain special uses worth preserving or encouraging" (p. III-19). The Transfer is in conformance with the Community Plan and other relevant policy documents in that the Community Plan provides for transfers of floor area up to 13:1 floor area ratio on parcels in Height District 4D and that the Transfer allows for the Project to advance a number of specific goals and objectives contained in the Community Plan, including:

Objective 1-2: *"To increase the range of housing choices available to Downtown employees and residents," (p. III-2).*

The TFAR would facilitate development of a mix of uses, including market-rate housing, and is centrally located on a transit corridor, which would allow residents to easily access their residences and connect them to their jobs Downtown or throughout the City.

Objective 2-1: *"To improve Central City's competitiveness as a location for offices, business, retail, and industry," (p. III-5).*

> Policy 2-1.1: *"To reinforce Bunker Hill and the Financial Core Districts as dominant centers for legal, financial, and other corporate services for Southern California and the Pacific Rim," (page III-5).*
>
> Policy 2-1.2: *"To maintain a safe, clean, attractive and lively environment," (page III-5).*

Objective 2-2: *"To retain the existing retail base in Central City," (p. III-5).*

> Policy 2-2.1: *"Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses," (page III-5).*

Objective 2-3: *"To promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows, and tourism," (p. III-6).*

> Policy 2-3.1: *"Support the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas of Central City and the Figueroa Corridor," (page III-6).*

The proposed Transfer would maximize the redevelopment potential of the Receiver site by facilitating a dense mixed-use development that reinforces and enhances the existing Financial Core District, which currently accommodates a broad range of uses and job opportunities and attractions. The Project would include commercial office and hotel uses that would provide a range of job opportunities, for both skilled and unskilled labor, with a variety of pay levels. The Project would also include approximately 50,000 square feet of retail and restaurant uses, enhancing the existing retail base in the area and supporting the needs of office workers, residents, and visitors. Furthermore, the hotel and its amenities would attract visitors who would contribute to the existing and proposed retail base and would be able to easily access the nearby tourist and convention sites through the use of existing robust public transportation infrastructure. The ground-level commercial uses and pedestrian-oriented design will activate the street frontages and contribute to lively environment.

Objective 2-4: "To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism," (p. III-6).

> *Policy 2-4.1: "Promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity," (p. III-7).*

As stated previously, the proposed Transfer will help support an active, 24-hour community downtown by enabling the Project to provide a dense mix of complementary uses that serve workers, residents, and visitors around the clock.

Objective 4-1: "To encourage the expansion and additions of open spaces as opportunities arise," (p. III-10).

> *Policy 4-4.1: "Improve Downtown's pedestrian environment in recognition of its important role in the efficiency of Downtown's transportation and circulation systems and in the quality of life for its residents, workers, and visitors," (page III-11).*

The proposed Project provides a direct public benefit in the form of additional open space and an improved pedestrian environment at and around the Project site. The pedestrian plaza near the corner of 7th Street and Figueroa Street, which may include landscaping, lighting, public art, a water feature, and outdoor retail and dining areas, would provide a public outdoor gathering space in the densely built up Financial Core District, in support of a more livable and desirable built environment for the community. The Project would also include streetscape improvements including wider sidewalks, landscaping improvements, and additional street lighting to improve Downtown's pedestrian environment and the quality of life for people in the area.

Transfer of Floor Area Ratio (TFAR): "The transfer of floor area between and among sites is an important tool for Downtown to direct growth to areas that can best accommodate increased density and from sites that contain special uses worth preserving or encouraging," (page III-19).

The Receiver site is well situated to accommodate increased density due to its transit-oriented location and surrounding built-up context. The Project utilizes the Transfer of Floor Area provision of the Municipal Code to achieve a floor area ratio of 13:1, which

would take an underutilized site and convert it into a mixed-use development that serves a variety of goals and objectives in the Central City.

Objective 11-1: "To keep downtown as the focal point of the regional mobility system accommodating internal access and mobility needs as well," (p. IV-2).

Objective 11-3: "To provide an internal circulation system with a focus of connecting specific pairs of activity centers to a system that provides greater geographic coverage of Downtown, thus giving the Downtown traveler more choices and more flexibility," (p. IV-6).
Objective 11-4: "To take advantage of the district's easy access to two mass transit rail lines, the freeway system, and major boulevards that connect Downtown to the region," (p. IV-6).

> *Internal Circulation System Policy: "Increase pedestrian orientation in the district," (page IV-7).*

Objective 11-6: "To accommodate pedestrian open space and usage in Central City," (p. IV-8).

> *Policy 11-6.1: "Preserve and enhance Central City's primary pedestrian-oriented streets and sidewalks and create a framework for the provision of additional pedestrian friendly streets and sidewalks which complement the unique qualities and character of the communities in Central City," (page IV-8).*

Urban Design Objective: "To develop a street hierarchy to serve transit, traffic, pedestrian, open space, and truck access needs in a coordinated manner," (p. V-6).

Urban Design Objective: "To provide an extensive, well-formed and well-maintained pedestrian network," (p. V-7).

As highlighted above, the Transfer would result in a Project that includes extensive open space and pedestrian amenities for the benefit of both the users of the Project site as well Downtown residents, workers, and visitors. The Project would contain a minimum one-quarter acre outdoor plaza near the corner of 7th and Figueroa Streets, providing pedestrian connectivity from the Project site to the 7th Street/Metro Center subway station, as well as facilitating improved pedestrian circulation through Downtown. The Project would enhance the pedestrian environment by providing amenities such as plazas, benches, landscaping, as well as by increasing the pedestrian orientation of the district through site design. The proposed arrangement of buildings and spaces emphasizes creating street walls with facades designed to promote pedestrian interest along primary street frontages and pedestrian sidewalks. Outdoor restaurants and sidewalk amenities would contribute to lively, pedestrian-oriented streets, with features such as street trees and landscaping, benches, trash receptacles, pedestrian-oriented lighting and directional signage, and attractive paving materials. The Project is also ideally located for pedestrian access given its proximity to the 7th Street/Metro Center subway station and its location at the crossroads of numerous major transit routes.

Objective 11-7: "To provide sufficient parking to satisfy short-term retail/business users and visitors but still find ways to encourage long-term office commuters to alternate modes of access," (p. IV-9).

Policy 11-7.8: "Develop a comprehensive parking policy for Downtown that is closely coordinated with other elements of the transportation strategy. It should constrain on-site supply in the CBD, and provide a balanced program of peripheral, intercept, and park-and-ride facilities in transit corridors. This policy should focus increasing emphasis on intercepting automobile travel further and further from the CBD...," (page IV-10).

The proposed Project incorporates reduced parking based on the Receiver site's proximity to transportation options, internal trip capture due to the mix of complementary uses, and an extensive Transportation Demand Management (TDM) program aimed at reducing single occupant vehicle trips. The Project will also include a "mobility hub" that allows for car and bike sharing available to the public. As such, adequate parking would be provided to accommodate the needs of the Project, including short-term retail/business users and visitors, while encouraging alternative modes of access.

The Community Plan also incorporates the urban design criteria described in the Downtown Design Guide. Pages 6-7 of the Design Guide outline "Design Principles for Creating a Livable Downtown," including the following:

"Employment Opportunities. Maintain and enhance the concentration of jobs, in both the public and private sectors, that provides the foundation of a sustainable Downtown."

"Transportation Choices. Enable people to move around easily on foot, by bicucle, transit, and auto. Accommodate cars but fewer than in the suburbs and allow people to live easily without one."

"Gathering Places. Provide places for people to socialize, including parks, sidewalks, courtyard and plazas, that are combined with shops and services. Program places for events and gatherings."

"A Rich Cultural Environment. Integrate public art and contribute to the civic and cultural life of the City."

"Recognize individual projects are the 'building blocks' of great streets and neighborhoods. This requires particular attention to the way the building meets the sidewalk, providing a transition to pedestrian scale and elements that activate the street."

"Respect historically significant districts and buildings, including massing and scale, and neighborhood context, while at the same time, encouraging innovative architectural design that expresses the identity of contemporary Los Angeles."

"Accommodate vehicular access and parking in a way that respects pedestrians and public spaces and contributes to the quality of the neighborhood."

"Express an underlying design philosophy (a 'big idea') that is articulated and supported by all aspects of building design and initially conveyed through design sketches, drawings, and specifications."

"Sustainability is the overarching goal of the Design Guide and essential to the concept of a livable Downtown."

The proposed Project is planned so as to fulfill each of these important design principles, by: providing a variety of employment uses, including office, hotel, and retail uses; utilizing proper site design so as to facilitate public gathering places with public art and other amenities to enhance the life of the City; and, taking full advantage of its transit-rich location by prioritizing transit alternatives and pedestrian access to and through the site. The Subject Project is being proposed with a Design Flexibility Program that sets parameters yet allows for variations in the final project design details. The established parameters allow for analysis of the proposed project in the Environmental Impact Report (EIR) and through the remainder of the approval process. As discussed more fully below in Finding No. 2 (Conditional Use for Major Development Project), the subject Project has not yet been designed to a level of specificity needed to fully determine consistency with the Downtown Design Guide. As such, the project is conditioned above in Condition of Approval No. 7, to provide evidence of compliance with the Downtown Design Guide prior to Planning Department approval for any building permit.

5. **Determination of "Buildable Area"**— Pursuant to Article I, Section 104(e) limiting floor area ratio, and Section 558 of the Los Angeles Charter establishing procedures for ordinances, the Applicant is requesting a Determination to alter the definition of "Buildable Area" in Section 12.03 of the Municipal Code to include up to the centerline of the street in calculating permitted floor area ratio, not to exceed 13:1. This request was intended as a protective measure, in the event that the City Initiated TFAR Ordinance (Council File #: 10-1175, Case #: CPC-2010-213-CA) is not adopted at the time the project is reviewed by the City Council. Planning Staff is not recommending approval of the requested determination as the issue has been addressed by the revised TFAR Ordinance, which provides a district-wide solution.

A. *The proposed ordinance will NOT be in conformity with public necessity, convenience, general welfare and good zoning practice.*

The Applicant seeks an ordinance for the purpose of regulating the use of land concerning permissible height and bulk of buildings. Ordinances may be initiated by private application, however the request to include the property to centerline of the street in calculating buildable area, is not appropriate to pursue as a site-specific amendment. In doing so, it would appear to permit special rights to the subject project, moreover, the ordinance is not necessary given that there is currently a City Council approved ordinance underway in the City's Approval process.

The Applicant requests to invoke the power of the City in Charter Section 104e, which governs "Restrictions on the Powers of the City" and contains the following:

> ***Floor Area Restriction.*** *The total floor area contained in all the buildings on any one building site shall not exceed 13 times the buildable area of the site as such buildable area is defined by ordinance. The Council, by ordinance, may define and implement the provisions of this subsection and may further restrict and regulate the total floor area, height or bulk of buildings or structures.*

The Applicant references this power, in order to effectuate a change in LAMC Code Section 12.03, which defines the buildable area as follows:

> *BUILDABLE AREA. All that portion of a lot located within the proper zone for the proposed main building, excluding those portions of the lot which must be reserved for yard spaces, building line setback space, or which may only be used for accessory buildings or uses. For the purpose of computing the height district*

limitations on total floor area in buildings of any height, the buildable area that would apply to a one-story building on the lot shall be used.

The buildable area definition goes on to allow for an alternate definition with buildable area having the same meaning as lot area, although it does not apply to the subject site which has a D limitation.

The applicant seeks to permit the buildable area calculation as follows, just as the City-Initiated Ordinance (Council File #: 10-1175, Case #: CPC-2010-213-CA) does:

***Buildable Area** means the same as Lot Area, with the following exception: for the purposes of computing the maximum Floor Area Rights available through the approval of a Transfer Plan for a Transit Area Mixed Use Project, as defined herein, the buildable area shall include the lot area plus the area between the exterior lot lines and the centerline of any abutting public right-of-way.*

The Department of City Planning prepared an ordinance to amend the Transfer of Floor Area Rights portion of the Los Angeles Municipal Code contained in Sections 14.5.1 to 14.5.13, due to the Central Business District Redevelopment Area expiration on July 18, 2010. This Ordinance, initiated as Case number CPC-2010-213-CA and associated with Council File 10-1175, permits the exclusive procedure to Transfer Floor Area Rights for all Projects involving any single Transfer of Floor Area Rights within the Central City TFAR Area. It also maintains a Buildable Area definition corresponding to the subject request herein, and defines the process in the absence of Community Redevelopment Agency authority. The result of the City-initiated ordinance would be a TFAR procedure and Buildable Area definition consistent with what the Applicant is seeking, and would grant the same privileges to all projects involving a Transfer on a Receiver Site within the Central City TFAR Area which are not located within the City Center Redevelopment Project Area. The Ordinance (Council File #: 10-1175, Case #: CPC-2010-213-CA) was reviewed and approved in concept by the City Council on July 14, 2010, and was sent to the City Attorney's Office for review (Form and Legality). The final ordinance #181574 was approved by City Council, effective March 27, 2011.

Therefore, the previously proposed, City-initiated ordinance associated with Council File Number 10-1175, offers an appropriate district-wide set of standards, and the Applicant's subject request should be denied.

6. **Supplemental Use District for Signage**—Pursuant to Sections 13.11 and 12.32 S of the Municipal Code, Planning Staff recommends adoption of the proposed ordinance, as amended as Exhibit F, to set forth sign regulations, procedures, guidelines and standards for the project site, as significantly amended and with the exclusion of off-site and on-site parameters.

General Plan/Charter Findings

Findings under Charter Section 556: Conformance with the General Plan
Los Angeles City Charter Section 556 and LAMC Section 12.32(C)(7) require that prior to adopting a land use ordinance, such as a signage supplemental use district, the City Council make findings that the ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan.

The Figueroa and 7th Signage Supplemental Use District ("Figueroa and 7th Sign District") is in substantial conformance with the purposes, intent and provisions of the General Plan in the following respects:

Central City Community Plan

The Sign District will promote the objectives, polices and goals of the Central City Community Plan by reinforcing the pedestrian-oriented character of the streets surrounding the District by allowing and encouraging a variety of signage, including pedestrian-oriented signs, throughout the District. The District will additionally enhance the viability of office and retail uses by helping to reinforce identity and character of the project site, and provide for a more cohesive sense of place, consistent with the Central City Community Plan.

By instituting more permissive signage regulations, the Sign District will act as a medium to promote more creative displays at street level and above, while at the same time providing retail, restaurant and office tenants with additional incentives for locating their businesses within the proposed project. In the same way as retail and office tenants will be drawn to the project area, the interest of visitors, tourists and residents alike will be piqued by the range of unique and innovative signage displays that the proposed Sign District permits.

The inclusion of sign reduction components and billboard reduction incentives furthers the elimination of blight throughout the Central City and adjacent community plans. The Sign District will promote orderly, regulated, and technologically modern instruments to guide the installation of signage and architectural lighting for a 21st century downtown.

The Sign District is consistent with applicable objectives and policies of the Central City Community Plan, including the following:

Objective 2-1. *To improve Central City's competitiveness as a location for offices, business, retail, and industry.*
Increased flexibility for innovative and vibrant signage enhances business and retail visibility and creates opportunities to draw stable retail, restaurant and office tenants to locate within the District. The establishment of reasonable and enforceable time place and manner standards furthers a sense of high quality along Figueroa Street, the spine of the Financial Core of Los Angeles.

Objective 2-3. *To promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows, and tourism.*

Large-scale, architecturally integrated graphics contribute to a unique, mixed-use environment that draws visitors into the project area; the District is specifically developed for mixed-use development adjacent to transportation infrastructure which promotes pedestrian activity and linkages between businesses, and tourist amenities. Sign Sub-Districts carefully regulate and focus signage around a pedestrian plaza fronting Figueroa Street, which itself leads south to the Los Angeles Sports and Entertainment District. The careful definition of sub-districts, including areas of tightly-controlled signage, will continue to draw investment and tourism to the area.

Objective 2-4. *To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism.*

The Sign District will contribute to a unique, mixed-use atmosphere; the regulations in the proposed Sign District will permit innovative signage that accentuates the architectural characteristics of the proposed project and that supports and enhances overall project design, thereby contributing to an exciting pedestrian experience, a dynamic work environment, and a lively commercial neighborhood.

General Plan Framework

The General Plan Framework, adopted in December 1996, provides current guidance on land use issues for the entire City. The Sign District block is located within an area designated as Downtown Center on the General Plan Framework. Land uses encouraged within the Downtown Center consist of major visitor and convention facilities, government offices, uses as recommended by the Downtown Strategic Plan, corporate and professional offices, retail commercial (including malls), offices, personal services, eating and drinking establishments, telecommunications centers, entertainment, major cultural facilities, (libraries, museums, (etc.), commercial overnight accommodations, mixed use structures integrating housing with commercial uses, multi-family housing (independent of commercial), major transit facilities, and inclusion of small parks and other community-oriented activity facilities. The Downtown Center is defined as "the principal government and business center of the region, with a worldwide market. It is intended to be the highest density center of the City and hub of regional transportation." The Downtown Center is identified as a primary destination for businesspersons and travelers from around the world. In order to meet a Downtown Center goal of being maintained as the primary economic, governmental and social focal point of the region, Downtown Center development should reflect a high design standard.

The Sign District was developed according to the objectives and features set forth by the General Plan Framework, particularly as they relate to land use and economic development. Objective 3.11 of the General Plan Framework provides for "the continuation and expansion of government, business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center."

Permitting more context-sensitive and innovative signage through Sign District regulations will allow for incorporation of a wide variety of signage types, some of which will use innovative, state-of-the-art technologies to create a diversity and intensity of signage types at key locations within the project area, and furthering the economic development goals of the General Plan Framework by allowing for greater marketing opportunities for potential retail and restaurant tenants, as well as reinforcing the project's identity for commercial tenants. The inclusion of next-generation imaging and sign technologies, while providing solid and enforceable illumination standards, mitigations, and procedures will allow the Financial Core to transition into the next generation of high-quality office, hotel, and residential high rise development.

By breaking the district into vertical sign zones, signage is concentrated along a podium base, leaving the towers free from imagery. The inclusion of regulations for large-scale architectural lighting and embedded illumination technology anticipates the future of tower development in the region and provides guidance, standards, and direction for this new technology.

The proposed Sign District is also consistent with General Plan Framework Objective 5.8 and its supporting policies to provide "[w]ell lit exteriors fronting on the sidewalk that

provide safety and comfort commensurate with the intended nighttime use, ... and [to] encourage that signage be designed to be integrated with the architectural character of the buildings and convey a visually attractive character." The proposed Sign District will encourage creative, carefully illuminated, and well-designed signs that will contribute in a positive way to the Central City's visual environment, and help maintain an image of quality for the Central City.

Transportation Element

The Sign District is consistent with applicable objectives and policies of the Transportation Element, including the following:

Goal A, Objective 3: *Support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.*

The project area is a mixed-use district and is wholly designated as a regional center by the General Plan. The project proposes increases in floor area, construction of new dwelling units and a significant concentration of office, retail and hotel uses that will promote major economic activity through a net expansion of availability of commercial, residential and retail space. The district is directly adjacent to a Metro Red and Purple Line subway terminal, and as such is well suited to benefit from the pedestrian connections to the transit system. The proposed signage regulations will ensure an activated and vibrant plaza area, with appropriately regulated business and retail activity to create a 24 hour downtown.

The removal of blight as part of the sign reduction program approved for the district will improve the built environment and reduce signage clutter as billboards are removed in exchange for larger-format integrated architectural displays.

The majority of signage permitted in the district is limited in area to a standard equivalent to LAMC code, and signage in excess of this standard is directly linked to billboard reduction.

The creation of unified, well designed signage will reduce clutter in the vicinity of the project itself, and will provide information and direction to automobiles traveling to and from the site.

Signage exposure to the west, facing the 110 Freeway, will be severely limited, with in many instances higher levels of regulation than code would ordinarily allow.

Findings under Charter Section 558
Los Angeles City Charter Section 558 and LAMC Section 12.32(C)(7) require that prior to adopting a land use ordinance, the City Council make findings that the ordinance conforms with public necessity, convenience, general welfare and good zoning practice. The Sign District conforms to public necessity, convenience, general welfare and good zoning practice in the following respects:

The proposed Sign District would create unique signage regulations for the project site. The provision of specially tailored dynamic signage regulations will advance the Community Plan goals for revitalization of the area, and the signage reduction program will reduce blight and visual clutter beyond the project site. As a whole, the ordinance will complement pedestrian-friendly sidewalks and amenities and create a dynamic and

engaging pedestrian environment. As such, the Sign District conforms to the public necessity, convenience, and general welfare of the city.

The Signage regulations will reflect good zoning practice in that they include criteria for both opportunities and constraints of new signs and identity elements and may address types of signs, sign size or coverage, hours of operation, illumination level, and type of animation or controlled refresh, as well as other sign characteristics. Appropriate and balanced sign regulations are necessary to provide signage and identity elements that are consistent with the Central Business District, while maintaining compatibility and sensitivity to surrounding uses. The SUD would establish regulations that minimize potential traffic hazards and protect public safety, including minimizing any potential traffic hazards to the surrounding freeways. Such standards include the limitation of digital displays in Sub-District B facing west, and the regulation of digital changable copy signs to be no larger in aggregate area than 900 square feet. Vertical Sign Zone 1, which is at a level of 0 to 35 feet, has been determined to be the primary realm of transportation interaction, and as such animation is either prohibited or, around the plaza, limited to a controlled refresh that is more strict than the citywide hazard review standard.

Some level of integrated electronic signage is restricted to frontages directly along Figueroa Street, 7th Street and Wilshire Boulevard, while limiting the types and intensity of signage along Francisco Street and the adjacent 110 Freeway. The most permissive signage is aligned along the frontages of the plaza at the corner of Figueroa Street and 7th Street. Lighting and illumination intensity standards are incorporated into the ordinance to limit and mitigate impact on adjacent sensitive receptors. Signage intensity is also regulated on a vertical basis, with lower-intensity signage being more predominant at lower levels so as to ensure compatibility with immediate surrounding uses and public rights of way.

The proposed Ordinance also conforms to good zoning practice in that it clarifies and make certain creative signage design criteria, standards, location, and types of permitted and prohibited signs.

Entitlement Findings

The enabling language for the establishment of Sign Districts contained in Section 13.11 (B) of the Code requires that the following findings be made:

A. *Each "SN" Sign District shall include only properties in the C or M Zones, except that R5 Zone properties may be included in a "SN" Sign District provided that the R5 zoned lot is located within an area designated on an adopted community plan as a "Regional Center," "Regional Commercial," or "High Intensity Commercial," or within any redevelopment project area.*

The entire project is located within an area designated as a Regional Center; the area encompassed by the proposed Sign District is entirely zoned C2-4D.

B. *No "SN" Sign District shall contain less than one block or three acres in area, whichever is the smaller.*

The proposed Sign District is one city block in size, bounded by Wilshire Boulevard to the north, Figueroa Street to the east, 7th Street to the south, and Francisco Street to the west. The project area covers approximately 2.7 acres and 1,410 feet of street frontage.

C. *The total acreage in the district shall include contiguous parcels of land which may only be separated by public streets, ways or alleys, or other physical features, or as set forth in the rules approved by the Director of Planning.*

The proposed Sign District includes one contiguous city block, which is separated only by public ways and alleys.

7. **Determination to permit Shared Parking**—Pursuant to Section 12.24.X.20 of the Municipal Code, a Determination to permit Shared Parking between hotel, office and other non-residential uses, and residential guest spaces within the project site.

The application for shared parking meets the minimum criteria, established in 12.24.X.20:

- *The maximum distance between each participating building or use and the nearest point of the shared parking facility shall be 750 feet.*

  The Project is a mixed-use development located in Commercial Zones C2-4D and C4-4D which includes office, hotel, residential, retail, restaurant, and other hotel, office, and residential ancillary uses, with 1,900 parking spaces. All proposed uses that would share parking are located within the Project Site and within 750 horizontal feet of the shared parking facility.

- *The applicant and parties operating the shared parking facility shall submit written evidence in a form satisfactory to the [Hearing Officer] which describes the nature of the uses, hours of operation, parking requirements, and the allocation of parking spaces, which demonstrates that the required parking for each use will be available taking into account their hours of operation.*

  As part of the comprehensive traffic and parking analysis ("Transportation Study") prepared by Gibson Transportation Consulting (September 2009), a shared parking analysis was included (Chapter 7, Parking Analysis), included as Exhibit H. The methodology and base assumptions used in the Transportation Study were established in conjunction with the Los Angeles Department of Transportation (LADOT). The Transportation Study includes the information that is required to be provided in an application for Shared Parking such as the nature of uses, parking requirements, allocation of spaces and availability of parking for each use during their hours of operation and an hour by hour, weekday, weekend, and monthly analysis of parking needs, as well as a description of how the shared parking would function.

- *Reserved or otherwise restricted spaces shall not be shared.*

  One hundred residential parking spaces would be restricted to residential uses only and are not part of the shared pool of parking spaces.

- *Additional documents, covenants, deed restrictions, or other agreements shall be executed and recorded as may be deemed necessary by the [Hearing Officer], in order to assure the continued maintenance and operation of the shared spaces, under the terms and conditions set forth in the original shared parking arrangement.*

  A covenant is required under Condition of Approval 78 above.

A. The proposed shared parking will be in conformity with public necessity, convenience, general welfare and good zoning practice.

The subject project will result in the demolition of an existing hotel and construction of a hotel and mixed use project totaling 2,397,304 square feet, on a 3.2 acre site. The proposed project includes two towers and a podium level, and will be constructed with an FAR of 13:1, as permitted herein under a separate entitlement (see Finding 4).

The proposed project is comprised of a maximum 560 hotel rooms and/or condo- hotel units, 100 residential units, 1,500,000 square feet of office, 275,000 square feet of amenity areas including retail and restaurant uses, conference and meeting rooms, ballrooms, spa, fitness center, and ancillary other hotel, residential, and office areas. The project would be constructed over eight levels of subterranean parking containing approximately 1,900 parking spaces.

The Transportation Study demand analysis includes Los Angeles Municipal Code parking requirements and adjustment ratios for each land use in the Project. Based on the Transportation Study analysis, Project parking can be fully accommodated on-site at all times and would not impact surrounding street parking.

Adequate parking will be provided at the Project site through eight levels of underground parking. As well, the need for parking is further reduced by the implementation of a comprehensive Transportation Demand Management (TDM) plan and strategies. The TDM plan includes a set of strategies that will encourage Project Site employees, residents, and patrons to reduce vehicular traffic on the street and freeway system particularly during the most congested time periods of the day, thereby reducing the demand for parking. These strategies will include:

- Flexible work schedules and telecommuting programs;
- Alternative work schedules;
- Pedestrian-friendly environment;
- Bicycle amenities (bicycle racks, lockers, showers etc.);
- Rideshare/carpool/vanpool promotion and support, including an online ride-matching program, preferred parking and loading/unloading areas;
- Education and information on alternative transportation modes;
- Transportation Information Center (TIC);
- Guaranteed Ride Home (GRH) program for emergency rides home;
- Join an existing or form a new Transportation Management Association (TMA); and
- Discounted employee/resident transit passes for Metro rail and bus service.

The reduction in parking spaces, in conjunction with the Transportation Demand Management plan, will reduce the occurrences of single-occupant vehicle trips, and therefore provide a public benefit by contributing to reduced air quality impacts and congestion.

A Transportation Management Association is anticipated to be formed on the Project Site, to promote awareness of the available TDM strategies and to create specific transportation management plans for employees, residents and patrons of the Project. The components of these plans may include rideshare matching, administrative support for van pools and/or car pools, emergency rides home, and bike and walk to work promotions.

The parking garage has been designed to accommodate a total of 1,900 parking spaces. A total of 2,375 parking spaces are required per LAMC standards based on the proposed uses in the buildings. However, as shown in the Transportation Study, the maximum peak parking demand with shared parking and the implementation of TDM strategies would not exceed 1,868 spaces. This would leave a surplus of 32 spaces within the planned parking structure. This would leave a comfortable, though not excessive surplus of 32 spaces given the 1,900 parking spaces proposed to be provided. For these reasons, the parking plan will be in conformity with public necessity, convenience, general welfare and good zoning practice.

B. The location is proper in relation to adjacent uses or the development of the community.

The subject Project will provide a mix of uses, and the proposed shared parking is appropriate in relationship to the neighborhood. The Site is surrounded by a highly urbanized commercial area with a mix of high-density commercial, retail, and office uses existing in structures ranging from low-rise to high-rise buildings. All such uses are separated from the project site by roadways. The surrounding parcels are all built-out and buildings consist generally of office uses and ground floor commercial and retail uses, with the exception of two towers that contain only offices uses, and the a small historic building, which contains a restaurant only.

The Project site is served by transit very well. It is adjacent to the 7th Street/Metro Center subway station, which has a portal entrance at the corner of 7th Street and Figueroa Street, across the street from the subject property. The station serves the Red, Purple, and Blue Lines operated by Metro (The Los Angeles County Metropolitan Transportation Authority). From this station, the Metro Red Line provides access to Hollywood and the San Fernando Valley, with connecting service to the Metro Orange Line (serving the west Valley and Chatsworth). The Metro Red Line and Purple Line serve Downtown including Los Angeles Union Station, with connecting service to the Metro Gold Line (serving Pasadena and East Los Angeles), Amtrak passenger rail, Metrolink commuter rail, and bus service for regional and local lines. The Metro Purple Line also serves Koreatown. The Metro Blue Line originates at this 7th Street/Metro Center station and provides access from downtown Los Angeles to downtown Long Beach, as well as connecting service to the Metro Green Line (serving Norwalk, Redondo Beach, and LAX via shuttle). Given the immediate proximity of the Project site to this significant 7th Street/Metro Center subway station, strong transit use is anticipated by hotel guests, permanent residents and their guests, retail and restaurant patrons, and employees of the site.

The maximum capacity of trains run during the AM and PM peak hours. Twelve Blue Line trains run during the AM peak hour with a load factor (maximum load/capacity) of 0.65, and 12 trains run during the PM peak hour, with a load factor of 0.71. Six Red Line trains and 6 Purple Line trains run in the AM peak hours, with a load factor of 0.55 and 0.58 respectively, and 6 trains run in the PM peak hour, with a load factor of 0.74 and 0.59 respectively. (According to the Transportation Study, Table 6). Therefore, there is sufficient capacity on the Metro lines to accommodate the Project.

The Project site is also served by multiple bus and shuttle lines, including: Metro Local 20, 26, 51, 52, 60, Metro Limited Stop 352, Metro Express 442, Metro Transitway 444, 445, 446/447, 450X, 460, 487, and 489, Metro Rapid 760, Foothill Transit 493, 497, 498, 499, 699, Antelope Valley Transit Authority 785, Santa Clarita 799, and LADOT Downtown Area Shuttle (DASH) A, E, and F.

The proximity and availability of these transit options, coupled with the discounted transit passes for Project employees and residents that will be provided as part of the TDM plan, will contribute to the success of shared parking, since parking utilization would be lower than what is required by the LAMC.

The Project consists of the redevelopment of an entire city block with a high-density mixed-use development located in one of the most densely developed parts of Downtown Los Angeles amid convenient access to various modes of public transportation serving the region. According to the Transportation Study, it is estimated that up to 40 percent of the users of the Project retail component would arrive to the Project Site by transit or would be users from other buildings in the vicinity. The Project would be designed with a pedestrian- and bicycle-friendly street presence and would provide strong links between the Project uses and the street that would encourage the use of public transit, walking, and bicycling to the Project Site. These include an emphasis on "slow street" design through pedestrian oriented lighting, signage, landscaping, and wall heights at the street. The synergy with surrounding uses and proximity to transit would contribute to having parking utilization that is lower than what is required by the LAMC.

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

The projects parking supply does not meet the LAMC requirements, notwithstanding the subject request for shared parking. However, the LAMC requirements are based on stand-alone land uses and do not account for shared parking between two or more uses within the Project. At full buildout, the project has a deficit of 475 spaces over the LAMC requirements. The project's parking supply does not meet the peak demand requirements if no TDM credit is taken into account. At full buildout, the Project has a deficit of 92 spaces over the peak demand, before the TDM program. With the TDM program, the Project has a surplus of 32 spaces at full build-out, taking into account a mode spit of 19% for TDM, over the peak demand.

Furthermore, it is reasonable to expect that not all of the commercial uses will be utilizing their entire required parking spaces at a given hour. In this situation where the project is a major mixed use development within an urban commercial environment, many of the commercial and restaurant uses will capture the hotel customers and office employees, and parking demand is not the same as a project that stands alone.

Because the Project will redevelop an entire city block with a mixed-use development, the synergy of on-site uses would allow for successful shared parking. Certain uses, such as the approximately 1,500,000 square feet of office uses, would not have high parking demand during non-working hours during the week and on weekends. The Project would be a 24 hour/7 day a week land use such that the parking spaces within the 8-story parking structure could be used continuously by different types of users depending on the time of day; the various uses have different peak-hour parking demands that do not all overlap with one another. For example, according to Table 28 of the Transportation Study, guest parking for residential uses at the peak-hour of 2:00 p.m. on a weekday would be at a lower rate than employee parking for retail uses, and parking for a restaurant would be higher at the peak-hour of 12:00 noon on a weekend than parking for a health club. Lastly, parking capture would occur when on-site office employees, hotel guests, and residents dine, shop, or otherwise utilize the approximately 275,000 square feet of on-site restaurant, retail, fitness center, meeting room and

ballroom areas, and other ancillary uses. In addition, because the Project entails completely new construction and redevelopment of a full city block, on-site parking layout would be designed to accommodate shared parking, unlike a remodel of an existing site where access or layout restrictions would prohibit shared parking. For example, the proposed parking layout maximizes vehicular circulation, minimizing queuing or awkward dead ends.

Given the surplus of parking when taking into account the TDM program proposed, and given the viability of the parking analysis within the Transportation Study, the use will not be materially detrimental to the character of development of the neighborhood. A shared parking program will cause no impact.

D. *The proposed shared parking will be in substantial conformance with the various elements and objectives of the General Plan.*

Granting the Shared Parking approval to allow for a reduction in the number of parking spaces will not adversely affect any element of the General Plan. In fact, the shared parking is consistent with the General Plan and, as discussed below, will promote several of the Transportation and Circulation objectives established in the Central Los Angeles Community Plan by providing an adequate supply of off-street parking and providing its prospective tenants with increased flexibility as it relates to parking. Notably, the Project Site benefits from close access to public transportation infrastructure with lower on-site parking demand.

The Framework Element that envisions that the "*Downtown Center will continue to accommodate the highest development densities in the City and function as the principal transportation hub for the region.*" and it encourages collaboration between private developers and Metro to "*prepare detailed plans for land use and development of transit-oriented districts*" (Transit Station Policies 3.15.1 and 3.15.2). The Project includes commercial, office, hotel, residential and supportive uses, which are the type of mixed-use, neighborhood-oriented retail and employment uses in direct proximity to a Metro transit station that is explicitly encouraged by the Framework Element. The location of the Project across the street from the 7th Street/Metro Center subway station epitomizes the Framework Element's vision of integrating Downtown Center density with public transportation infrastructure and would encourage the use of transit by hotel guests, on-site residents and their guests, retail patrons, and employees.

The Transportation Element of the General Plan guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods. The Transportation Element recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit.

The proposed project, a Transit-Oriented Development, would advance numerous goals and policies contained in the Transportation Element. Chief among them will be to: *Encourage and seek the formation of public/private partnerships when developing centers and districts and provide appropriate transportation facilities and/or related programs, to the maximum extent feasible.* (Policy 3.5), and to: *Promote the enhancement of transit access to neighborhood districts, community and regional centers, and mixed-use boulevards.* (Policy 3.12). As discussed above, the Project is located in a well-served transit environment and will be comprised of mixed-uses that would be a benefit to the community.

The Project, including the Shared Parking and TDM program, advances a number of specific goals and objectives contained in the Community Plan. These include:

Policy 4-4.1: *Improve Downtown's pedestrian environment in recognition of its important role in the efficiency of Downtown's transportation and circulation systems and in the quality of life for its residents, workers, and visitors.*

The subject project is a pedestrian-oriented development designed to include a minimum ¼ acre pedestrian plaza, from which ground level commercial uses are accessed. It will include landscape elements, a water feature, and outdoor retail and dining areas, and will provide an outdoor gathering space for special events. The site will also include a pedestrian passageway through the site, and pedestrian accessibility to the ground floor uses. Pedestrian access to the site is anticipated to be high, and a shared parking program is consistent with such.

Objective 11-3: *To provide an internal circulation system with a focus of connecting specific pairs of activity centers to a system that provides greater geographic coverage of Downtown, giving the Downtown traveler more choices and more flexibility*; and

Objective 11-4: *To take advantage of the district's easy access to two mass transit rail lines, the freeway system, and major boulevards that connect Downtown to the region.*

Pedestrian linkages exist to the south down Figueroa Street to the Convention Center and LA Live!, as well as to the office uses to the north. The project is designed with a pedestrian linkage through the site. This pedestrian passageway will be open to the public, and provide a shortcut for pedestrians to go diagonally through the project to/from the north corner of the site at Francisco Street and Wilshire Boulevard, and to/from the plaza at the southern corner of the site at Figueroa Street and 7th Street. This pathway will serve pedestrian traffic to/from the Wilshire Bridge as people access destinations at the site or on 7th Street.

Internal Circulation System Policy. *Increase pedestrian orientation in the district;* and

Objective 11-6: *To accommodate pedestrian open space and usage in Central City;* and

Policy 11-6.1: *Preserve and enhance Central City's primary pedestrian-oriented streets and sidewalks and create a framework for the provision of additional pedestrian friendly streets and sidewalks which complement the unique qualities and character of the communities in Central City;* and

Urban Design Objective: *To improve the pedestrian environment.*

Pedestrian access to the buildings will be provided via entrances on Figueroa Street, Wilshire Boulevard, and 7th Street. Pedestrian access to Building A the Office Tower (as shown on Exhibit A), will be provided at grade level from the outdoor plaza, and from Figueroa Street and Wilshire Boulevard. Pedestrian access to Building B, the Hotel Tower (as shown on Exhibit A), and the Podium, will be provided at grade level from the outdoor plaza, 7th Street, and Wilshire Boulevard via a passageway (pedestrian colonnade). The project will include streetscape improvements including sidewalk widening, landscape improvements, and street lighting adjacent to the property. Immediately surrounding the site, sidewalks will be improved as follows: 1) On 7th Street a 15-foot wide sidewalk with trees spaced on average 30 feet apart and 2 benches. 2)

On Figueroa Street a 26-foot sidewalk with trees spaced on average 30 feet apart, and 2 benches. 3) On Wilshire Boulevard a 17-foot sidewalk with trees spaced on average 30 feet apart, and 2 benches. 4) On Francisco Street, a 8-foot sidewalk with trees spaced on average 30 feet apart, and no benches. All sidewalks surrounding the site will include trash receptacles and ADA-compliant ramps, which more safely maintain separate ramps for each crosswalk.

The Project will include extensive pedestrian amenities and outdoor areas, including outdoor dining, and will emphasize "slow street" design through pedestrian oriented lighting, signage, landscaping, and wall heights at the street. Moreover, the plaza would provide an outdoor gathering space for special events and would provide a linkage to the Los Angeles Sports and Entertainment District (LASED), including Staples Center, L.A. Live!, the Convention Center, as well as the future Grand Avenue project to the north, and public parks in the area.

Objective 11-7: *To provide sufficient parking to satisfy short-term retail/business users and visitors but still find ways to encourage long term office commuters to use alternate modes of access.*

The Project will incorporate reduced parking based on the close proximity to transportation, internal trip capture, and a TDM program. Moreover, the Project would be a 24 hour/7 day a week land use such that the parking spaces within the 8-story parking structure could be used continuously by different types of users depending on the time of day. As such, adequate parking would be provided to accommodate the needs of the Project, including short-term retail/business users and visitors.

In addition to the General Plan, the Project is consistent with the following policies found in the Downtown Design Guide:

Transportation Choices. Enable people to move around easily on foot, by bicycle, transit, and auto. Accommodate cars, but fewer than in the suburbs and allow people to live easily without one.

Accommodate vehicular access and parking in a way that respects pedestrians and public space and contributes to the quality of the neighborhood.

...Design all projects as transit-oriented developments (TODs) that encourage residents, tenants, and visitors to use transit.

Orient projects to provide convenient access to the nearest transit options (Metro rail or bus, DASH) wherever possible.

As discussed above, the Project is located near the 7th Street/Metro Center subway station, DASH bus lines and Metro bus lines, in accordance with the above policies, and the Project is designed to encourage walkability and pedestrian linkages to the community. Shared Parking is one component of a comprehensive transportation strategy for the Project that correctly identifies the number of actual parking spaces needed for the project, without creating an excessive surplus of spaces that would encourage additional single-occupancy vehicle use.

8. **Determination to permit a Reduced On-Site Parking with Transportation Alternatives Authorization**— Pursuant to Section 12.24 X.17 of the Municipal Code, a

Determination to permit a Reduced On-Site Parking/Transportation Alternatives Authorization for a maximum 20 percent reduction in parking spaces to permit 1900 spaces in lieu of approximately 2,712 spaces required by code.

A Transportation Study was conducted by Gibson Transportation Consulting in September of 2009; this study is contained within/as an attachment to the Draft EIR, located in subject environmental case number ENV-2009-1577-EIR-GB. The methodology and base assumptions used in the Transportation Study were established in conjunction with the Los Angeles Department of Transportation (LADOT). The Transportation Study constitutes the Parking Management Plan required by LAMC Section 12.24.X.17.c.. As for the related shared parking analysis, the Transportation Study bases its shared parking methodology on *Shared Parking* (Second Edition, The Urban Land Institute and the International Council of Shopping Centers, 2005).

The application for Reduced On-Site Parking with Transportation Alternatives meets the minimum criteria, established in 12.24 X.17.a(1):

The proposed project includes a commercial use in the C Zone, involving arrivals at the site by at least 100 employees and/or tenants, and the request is for a 20 percent reduction (far less than a 40 percent reduction—that is, the number of the reduced parking spaces is about 80 percent of the number of parking spaces otherwise required.)

A. *The Parking Management Plan will result in sufficient on-site parking spaces and transportation alternatives to single-occupant automobiles (including carpools, vanpools, mass transit systems, buses or bicycles), provided by the owner or lessee for the employees and/or tenants, to accommodate parking demand.*

The Project is a mixed-use development located in Commercial Zones C2-4D and C4-4D which includes office, hotel, residential, retail, restaurant, and other hotel, office, and residential ancillary uses, with 1,900 parking spaces. All proposed uses that would share parking are located within the Project Site and within 750 horizontal feet of the shared parking facility. The Project is a transit-oriented commercial and residential mixed-use development located adjacent to significant transportation infrastructure. As part of the development mitigation measures identified in the Environmental Impact Report ENV-2009-1577-EIR-GB (Exhibit I), the Project will implement a Parking Management Plan, also known as a Transportation Demand Management (TDM) program, which includes a set of strategies to encourage Project Site employees, residents, and patrons to reduce vehicular traffic on the street and freeway system particularly during the most congested time periods of the day. As set forth in the Transportation Study, the strategies include:

- Flexible work schedules and telecommuting programs;
- Alternative work schedules;
- Pedestrian-friendly environment;
- Bicycle amenities (bicycle racks, lockers, showers etc.);
- Rideshare/carpool/vanpool promotion and support, including an online ride-matching program, preferred parking and loading/unloading areas;
- Education and information on alternative transportation modes;
- Transportation Information Center (TIC);
- Guaranteed Ride Home (GRH) program for emergency rides home;
- Join an existing or form a new Transportation Management Association (TMA); and
- Discounted employee/resident transit passes for Metro rail and bus service.

A Transportation Management Association is anticipated to be formed on the Project Site to promote awareness of the available TDM strategies and to create specific transportation management plans for employees, residents and patrons of the Project. The components of these plans may include rideshare matching, administrative support for van pools and/or car pools, emergency rides home, and bike and walk to work promotions.

The TDM program will reduce trips to and from the Project. According to Chapter 5 of the Transportation Study (contained within/as an attachment to the Draft EIR, located in subject environmental case number ENV-2009-1577-EIR-GB), the TDM program is expected to achieve a trip reduction of approximately 11.1 percent for the residential uses, 12.1 percent for the hotel, retail and restaurant uses, and 21.3 percent for the office uses, therefore achieving a site wide trip reduction higher than 19.7 percent in the afternoon peak hour. (Transportation Study Table 11)

Based on a comparative analysis of other transit-oriented developments nationally, in the State, and locally, an effective site-wide TDM trip credit of 19.7 percent was applied to the trip generation of the Project under the Future with Project with TDM Program, and Future with Project with Mitigation scenarios in the Environmental Impact Report and in the Transportation Study to reflect the availability of alternative transportation options, of the urban location of the Project, as well as the benefits of the TDM program. Accounting for the TDM credit, the Project, at full build-out, is expected to generate approximately 1,454 net additional daily trips than exist now, including 522 trips during the morning peak hour and 552 trips during the afternoon peak hour. (Transportation Study, Table 12)

The Project will include new development with an existing major Los Angeles County Metropolitan Transportation Authority (Metro) transit hub, so that employees, visitors, residents, and others working, shopping, and living in or near the Project will be more likely to use the transit system instead of single occupancy vehicles, resulting in less traffic on City streets, the regional freeway system, and in local neighborhoods. The Project Site is in direct proximity to the 7th Street/Metro Center subway station located on the east side of Figueroa Street. This Metro subway station provides access to the Metro Red, Blue, and Purple Lines. From this station, the Metro Red Line provides access to Hollywood and the San Fernando Valley, with connecting service to Metro Orange Line, as well as additional stations in Downtown Los Angeles, including Los Angeles Union Station, where connecting service to Metro Gold Line, Amtrak passenger rail, Metrolink commuter rail, and regional and local bus lines is available. The Purple Line provides access to the Koreatown area, as well as to the Los Angeles Union Station. The Blue Line originates at the 7th Street/Metro Center subway station and provides access from Downtown Los Angeles to Downtown Long Beach with intermediate stops and connecting service to the Metro Green Line. The maximum number of trains run during the AM and PM peak hours. Twelve Blue Line trains run during the AM peak hour with a load factor (maximum load/capacity) of 0.65, and 12 trains run during the PM peak hour, with a load factor of 0.71. Six Red Line trains and 6 Purple Line trains run in the AM peak hours, with a load factor of 0.55 and 0.58 respectively, and 6 trains run in the PM peak hour, with a load factor of 0.74 and 0.59 respectively. (Transportation Study, Table 6). Therefore, there is sufficient capacity on the Metro lines to accommodate the Project.

As well, the Project Site is served by multiple bus and Downtown Area Shuttle (DASH) lines. Bus lines serving the Project site include Metro Local 20, 26, 51, 52, and 60,

Metro Limited Stop 352, Metro Express 442, Metro Transitway 444, 445, 446/447, 450X, 460, 487, and 489, Metro Rapid 760, Foothill Transit 493, 497, 498, 499, 699, Antelope Valley Transit Authority 785, Santa Clarita 799, and LADOT DASH A E, and F.

The Transportation Study analyzed existing ridership data, obtained from Metro and LADOT, for the transit lines serving the Project Site during the morning and afternoon peak periods. While the lines operate at capacity on certain runs, adequate capacity is available on those lines in runs just before or after the run with the maximum load, so that the passengers would not experience long delays. Using a conservative approach, residual capacity on the system was calculated by assuming that the lines would have the same maximum capacity for each run during the peak hour as the maximum load during the entire peak period. The Transportation Study found that a residual capacity of 4,988 passengers in the morning peak hour and 4,012 passengers during the afternoon peak hour currently exists on the Metro and LADOT DASH transit lines serving the Project Site. (Transportation Study, page 19).

Utilizing the Urban Land Institute (ULI) shared parking methodology, the Transportation Study estimated that peak parking demand would be 2,377 spaces during weekdays, before taking into account the reduction of parking spaces that can be attributed to the availability of transportation alternatives and the urban location of the Project. With the implementation of the TDM program, actual parking demand at peak periods (peak month and hour) would actually be 1,868 parking spaces, according to Figures 46, 47, and 48 of the Transportation Study. This would leave a modest surplus of 32 spaces given the 1,900 parking spaces proposed to be provided. Therefore, the analysis demonstrates that the Parking Management Plan and transportation alternatives will result in sufficient on-site parking spaces that would accommodate parking demand.

B. *The Parking Management Plan will result in no on-street parking created by the use in the area immediately surrounding the use.*

Based on the analysis provided in the Transportation Study, (conducted by Gibson Transportation Consulting (contained within/as an attachment to the Draft EIR, located in subject environmental case number ENV-2009-1577-EIR-GB), parking can be fully accommodated on-site at all times and the Project will not impact surrounding on-street parking (which is very limited or non-existent in the Downtown Center where the Project is located). The Transportation Study shows there will be a surplus of on-site parking provided by the Project (approximately 32 spaces). All of the 1,900 on-site parking spaces will be provided in an eight level subterranean structure. Parking will be managed by a parking operator that will manage parking and provide tenant assistance to increase convenience for on-site parking, including valet parking. The parking operator will provide additional staffing during peak times. The need for on-street parking is further reduced because the Project is a transit-oriented development that will incorporate a Transportation Demand Managment program, including extensive transit connectivity. Other TDM strategies include the provision of preferred parking for carpools and vanpools, bicycle racks and showers, and loading/unloading areas for vans and shuttle for the non-residential components of the Project. In addition, there are numerous integrated bus and rail transit facilities in the vicinity of the Project Site that will serve the Project that are within walkable distances to the Project Site. The pedestrian-oriented characteristics of the Project will further promote the use of the site by pedestrians. None of the transit-oriented features or the TDM would create spillover on-street parking impacts on surrounding uses.

As discussed above, utilizing the Urban Land Institute (ULI) shared parking methodology, the Transportation Study estimates that peak parking demand will be 2,377 spaces during weekdays, before taking into account the reduction of parking spaces that can be attributed to the availability of transportation alternatives and the urban location of the Project. With the implementation of the TDM program, actual parking demand at peak periods (peak month and hour) would actually be 1,868 parking spaces, according to Figures 46, 47, and 48 of the Transportation Study. This would leave a modest surplus of 32 spaces given the 1,900 parking spaces proposed to be provided. Therefore, the analysis demonstrates that the Parking Management Plan and transportation alternatives will result in sufficient on-site parking spaces to accommodate parking demand and therefore will not result in on-street parking created by the use in the immediate surrounding area.

C. *The Parking Management Plan will result in an achievable level of employee and/or tenant use of transportation alternatives.*

The Subject Project has three characteristics that make for an achievable level of employee and tenant use of transportation alternatives; it is a mixed-used development, it is a transit-oriented development, and it has an extensive Transportation Demand Management (TDM) program.

The proposed project is comprised of a maximum 560 hotel rooms and/or condo- hotel units, 100 residential units, 1,500,000 square feet of office, 275,000 square feet of amenity areas including retail and restaurant uses, conference and meeting rooms, ballrooms, spa, fitness center, and ancillary other hotel, residential, and office areas. The project would be constructed over eight levels of subterranean parking containing approximately 1,900 parking spaces. These mix of uses effectively reduces the total number of trips made by automobiles by minimizing travel distances by utilizing multiple uses on the site, thereby increasing the opportunity to use alternative modes of transportation. Mixed-used development inherently has the potential to reduce auto travel and the number of needed parking spaces by reducing an individual's dependency on his/her car to access jobs and services. The particular mix of uses that are proposed with the Project will allow the capture of trips, thereby reducing the number of necessary parking spaces. The Project will be a 24 hour/7 day a week land use, such that individuals can live, work, and shop at the Project. For example, Project residents, hotel guests, and office employees may patronize restaurants, convenience stores, and other retail services within the Project itself. In addition, hotel guests and office employees will walk to meeting rooms and ballroom amenities on-site, reducing the number of vehicular trips and necessary parking spaces.

The Project is a transit-oriented development with a multitude of transportation options located within a convenient distance and available to the users of the site; it will result in an achievable level of transportation alternatives. Transit-oriented developments promote non-auto travel through design, infrastructure, and orientation that is pedestrian-friendly and facilitates transit use. The success of transit-oriented developments is emphasized by density, design, diversity, destination, and distance to transit. The Project, which is located on a transit corridor, is designed to functionally integrate with the existing bus and rail transit facilities in the vicinity of the Project Site and will provide a substantial concentration of employment near an existing Metro (Los Angeles Metropolitan Transportation Authority) subway station across the street. Appendix F of the Transportation Study contains details from recent studies of transit-oriented developments and TDM programs employed at other locations in California; it demonstrates that the proposed level of employee and tenant use of transportation

alternatives is achievable, consistent with City and regional growth management plans. The Project will also have extensive pedestrian amenities, which enhance pedestrian use of the Project Site and encourage use of alternative transportation options. For example, the plaza would provide an outdoor gathering space for special events and would provide a linkage to the Los Angeles Sports and Entertainment District (LASED), including Staples Center, L.A. Live!, the Convention Center, as well as the future Grand Avenue project to the north, and public parks in the area through the alternative transportation options.

The TDM program is a set of strategies that will encourage Project employees, tenants, and patrons to reduce vehicular traffic on the street and freeway system though pedestrian-friendly design, bicycle-oriented infrastructure, rideshare, carpool, Guaranteed Ride Home program, Flex Cars, discounted transit passes, and flextime/telecommuting programs. The TDM program will result in a 19.7 percent reduction in the average daily trips. Based on the TDM program, a mode adjustment was applied to the Project's land uses in analyzing the peak parking demand for the Project. With the TDM program, the Project has a surplus of 32 spaces at full build-out, taking into account a mode split of 19.7 percent resulting from the proposed TDM program, over the peak demand.

The annual review required as part of the Reduced Parking approval, and as Conditioned above in Condition of Approval 13 will evaluate the Project's compliance with the TDM program and the achievability of forecasted analyses, as well as provide opportunities to implement additional or alternative measures to ensure compliance.

Additional findings to permit a Reduced On-Site Parking with Transportation Alternatives Authorization:

E. *The proposed Parking Management Plan will be in conformity with public necessity, convenience, general welfare and good zoning practice.*

The subject project will result in the demolition of an existing hotel and construction of a hotel and mixed use project totaling 2,397,304 square feet, on a 3.2 acre site. The proposed project includes two towers and a podium level, and will be constructed with an FAR of 13:1, as permitted herein under a separate entitlement (see Finding 4).

The proposed project is comprised of 560 hotel rooms and/or condo- hotel units, 100 residential units, 1,500,000 square feet of office, 275,000 square feet of amenity areas including retail and restaurant uses, conference and meeting rooms, ballrooms, spa, fitness center, and ancillary other hotel, residential, and office areas. The project would be constructed over eight levels of subterranean parking containing approximately 1,900 parking spaces.

The Transportation Study demand analysis includes Los Angeles Municipal Code parking requirements and adjustment ratios for each land use in the Project. Based on the Transportation Study analysis, Project parking can be fully accommodated on-site at all times and would not impact surrounding street parking.

Adequate parking will be provided at the Project site through eight levels of underground parking. As well, the need for parking is further reduced by the implementation of a comprehensive Transportation Demand Management (TDM) plan and strategies. The TDM plan includes a set of strategies that will encourage Project Site employees, residents, and patrons to reduce vehicular traffic on the street and freeway system

particularly during the most congested time periods of the day, thereby reducing the demand for parking. These strategies will include:

- Flexible work schedules and telecommuting programs;
- Alternative work schedules;
- Pedestrian-friendly environment;
- Bicycle amenities (bicycle racks, lockers, showers etc.);
- Rideshare/carpool/vanpool promotion and support, including an online ride-matching program, preferred parking and loading/unloading areas;
- Education and information on alternative transportation modes;
- Transportation Information Center (TIC);
- Guaranteed Ride Home (GRH) program for emergency rides home;
- Join an existing or form a new Transportation Management Association (TMA); and
- Discounted employee/resident transit passes for Metro rail and bus service.

The reduction in parking spaces, in conjunction with the Transportation Demand Management plan, will reduce the occurrences of single-occupant vehicle trips, and therefore provide a public benefit by contributing to reduced air quality impacts and congestion.

A Transportation Management Association is anticipated to be formed on the Project Site, to promote awareness of the available TDM strategies and to create specific transportation management plans for employees, residents and patrons of the Project. The components of these plans may include rideshare matching, administrative support for van pools and/or car pools, emergency rides home, and bike and walk to work promotions.

The parking garage has been designed to accommodate a total of 1,900 parking spaces. A total of 2,375 parking spaces are required per LAMC standards based on the proposed uses in the buildings. However, as shown in the Transportation Study, the maximum peak parking demand with shared parking and the implementation of TDM strategies would not exceed 1,868 spaces. This would leave a surplus of 32 spaces within the planned parking structure. This would leave a comfortable, though not excessive surplus of 32 spaces given the 1,900 parking spaces proposed to be provided. For these reasons, the parking plan will be in conformity with public necessity, convenience, general welfare and good zoning practice.

F. The location is proper in relation to adjacent uses or the development of the community.

The subject Project will provide a mix of uses, and the proposed shared parking is appropriate in relationship to the neighborhood. The Site is surrounded by a highly urbanized commercial area with a mix of high-density commercial, retail, and office uses existing in structures ranging from low-rise to high-rise buildings. All such uses are separated from the project site by roadways. The surrounding parcels are all built-out and buildings consist generally of office uses and ground floor commercial and retail uses, with the exception of two towers that contain only offices uses, and the a small historic building, which contains a restaurant only.

The Project site is served by transit very well. It is adjacent to the 7th Street/Metro Center subway station, which has a portal entrance at the corner of 7th Street and Figueroa Street, across the street from the subject property. The station serves the Red, Purple, and Blue Lines operated by Metro (The Los Angeles County Metropolitan

Transportation Authority). From this station, the Metro Red Line provides access to Hollywood and the San Fernando Valley, with connecting service to the Metro Orange Line (serving the west Valley and Chatsworth). The Metro Red Line and Purple Line serve Downtown including Los Angeles Union Station, with connecting service to the Metro Gold Line (serving Pasadena and East Los Angeles), Amtrak passenger rail, Metrolink commuter rail, and bus service for regional and local lines. The Metro Purple Line also serves Koreatown. The Metro Blue Line originates at this 7th Street/Metro Center station and provides access from downtown Los Angeles to downtown Long Beach, as well as connecting service to the Metro Green Line (serving Norwalk, Redondo Beach, and LAX via shuttle). Given the immediate proximity of the Project site to this significant 7th Street/Metro Center subway station, strong transit use is anticipated by hotel guests, permanent residents and their guests, retail and restaurant patrons, and employees of the site.

The maximum capacity of trains run during the AM and PM peak hours. Twelve Blue Line trains run during the AM peak hour with a load factor (maximum load/capacity) of 0.65, and 12 trains run during the PM peak hour, with a load factor of 0.71. Six Red Line trains and 6 Purple Line trains run in the AM peak hours, with a load factor of 0.55 and 0.58 respectively, and 6 trains run in the PM peak hour, with a load factor of 0.74 and 0.59 respectively. (According to the Transportation Study, Table 6). Therefore, there is sufficient capacity on the Metro lines to accommodate the Project.

The Project site is also served by multiple bus and shuttle lines, including: Metro Local 20, 26, 51, 52, 60, Metro Limited Stop 352, Metro Express 442, Metro Transitway 444, 445, 446/447, 450X, 460, 487, and 489, Metro Rapid 760, Foothill Transit 493, 497, 498, 499, 699, Antelope Valley Transit Authority 785, Santa Clarita 799, and LADOT Downtown Area Shuttle (DASH) A, E, and F.

The proximity and availability of these transit options, coupled with the discounted transit passes for Project employees and residents will achieve an effective Parking Management Plan.

The Project consists of the redevelopment of an entire city block with a high-density mixed-use development located in one of the most densely developed parts of Downtown Los Angeles amid convenient access to various modes of public transportation serving the region. According to the Transportation Study, it is estimated that up to 40 percent of the users of the Project retail component would arrive to the Project Site by transit or would be users from other buildings in the vicinity. The Project would be designed with a pedestrian- and bicycle-friendly street presence and would provide strong links between the Project uses and the street that would encourage the use of public transit, walking, and bicycling to the Project Site. These include an emphasis on "slow street" design through pedestrian oriented lighting, signage, landscaping, and wall heights at the street. The synergy with surrounding uses and proximity to transit would contribute to having parking utilization that is lower than what is required by the LAMC.

G. *The use will not be materially detrimental to the character of the development in the immediate neighborhood.*

The projects parking supply does not meet the LAMC requirements, notwithstanding the subject request for shared parking. However, the LAMC requirements are based on stand-alone land uses and do not account for shared parking between two or more uses within the Project. At full buildout, the project has a deficit of 475 spaces over the LAMC

requirements. The project's parking supply does not meet the peak demand requirements if no TDM credit is taken into account. At full buildout, the Project has a deficit of 92 spaces over the peak demand, before the TDM program. With the TDM program, the Project has a surplus of 32 spaces at full build-out, taking into account a mode spit of 19% for TDM, over the peak demand.

Furthermore, it is reasonable to expect that not all of the commercial uses will be utilizing their entire required parking spaces at a given hour. In this situation where the project is a major mixed use development within an urban commercial environment, many of the commercial and restaurant uses will capture the hotel customers and office employees, and parking demand is not the same as a project that stands alone.

Because the Project will redevelop an entire city block with a mixed-use development, the synergy of on-site uses would allow for successful shared parking. Certain uses, such as the approximately 1,500,000 square feet of office uses, would not have high parking demand during non-working hours during the week and on weekends. The Project would be a 24 hour/7 day a week land use that through transportation demand management programs outlined above will reduce the need for parking under the Parking Management Plan. The adjacency to transit makes this location well suited for non-automobile trips and the resulting decrease in required parking.

H. The proposed Parking Management Plan will be in substantial conformance with the various elements and objectives of the General Plan.

The Parking Management Plan will not adversely affect any element of the General Plan. The plan will promote several of the Transportation and Circulation objectives established in the Central Los Angeles Community Plan by providing an adequate supply of off-street parking and providing its prospective tenants with increased flexibility as it relates to parking and transit alternatives. Notably, the Project Site benefits from close access to public transportation infrastructure with lower on-site parking demand.

The Framework Element that envisions that the "*Downtown Center will continue to accommodate the highest development densities in the City and function as the principal transportation hub for the region.*" and it encourages collaboration between private developers and Metro to "*prepare detailed plans for land use and development of transit-oriented districts*" (Transit Station Policies 3.15.1 and 3.15.2). The Project includes commercial, office, hotel, residential and supportive uses, which are the type of mixed-use, neighborhood-oriented retail and employment uses in direct proximity to a Metro transit station that is explicitly encouraged by the Framework Element. The location of the Project across the street from the 7th Street/Metro Center subway station epitomizes the Framework Element's vision of integrating Downtown Center density with public transportation infrastructure and would encourage the use of transit by hotel guests, on-site residents and their guests, retail patrons, and employees.

The Transportation Element of the General Plan guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods. The Transportation Element recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit.

The proposed project, a Transit-Oriented Development, would advance numerous goals and policies contained in the Transportation Element. Chief among them will be to:

Encourage and seek the formation of public/private partnerships when developing centers and districts and provide appropriate transportation facilities and/or related programs, to the maximum extent feasible. (Policy 3.5), and to: *Promote the enhancement of transit access to neighborhood districts, community and regional centers, and mixed-use boulevards.* (Policy 3.12). As discussed above, the Project is located in a well-served transit environment and will be comprised of mixed-uses that would be a benefit to the community.

The Project advances a number of specific goals and objectives contained in the Community Plan. These include:

Policy 4-4.1: *Improve Downtown's pedestrian environment in recognition of its important role in the efficiency of Downtown's transportation and circulation systems and in the quality of life for its residents, workers, and visitors.*

The subject project is a pedestrian-oriented development designed to include a minimum ¼ acre pedestrian plaza, from which ground level commercial uses are accessed. It will include landscape elements, a water feature, and outdoor retail and dining areas, and will provide an outdoor gathering space for special events. The site will also include a pedestrian passageway through the site, and pedestrian accessibility to the ground floor uses. Pedestrian access to the site is anticipated to be high, and a shared parking program is consistent with such.

Objective 11-3: *To provide an internal circulation system with a focus of connecting specific pairs of activity centers to a system that provides greater geographic coverage of Downtown, giving the Downtown traveler more choices and more flexibility*; and

Objective 11-4: *To take advantage of the district's easy access to two mass transit rail lines, the freeway system, and major boulevards that connect Downtown to the region.*

Pedestrian linkages exist to the south down Figueroa Street to the Convention Center and LA Live!, as well as to the office uses to the north. The project is designed with a pedestrian linkage through the site. This pedestrian passageway will be open to the public, and provide a shortcut for pedestrians to go diagonally through the project to/from the north corner of the site at Francisco Street and Wilshire Boulevard, and to/from the plaza at the southern corner of the site at Figueroa Street and 7th Street. This pathway will serve pedestrian traffic to/from the Wilshire Bridge as people access destinations at the site or on 7th Street.

Internal Circulation System Policy. *Increase pedestrian orientation in the district;* and

Objective 11-6: *To accommodate pedestrian open space and usage in Central City;* and

Policy 11-6.1: *Preserve and enhance Central City's primary pedestrian-oriented streets and sidewalks and create a framework for the provision of additional pedestrian friendly streets and sidewalks which complement the unique qualities and character of the communities in Central City;* and

Urban Design Objective: *To improve the pedestrian environment.*

Pedestrian access to the buildings will be provided via entrances on Figueroa Street, Wilshire Boulevard, and 7th Street. Pedestrian access to Building A the Office Tower (as shown on Exhibit A), will be provided at grade level from the outdoor plaza, and from

Figueroa Street and Wilshire Boulevard. Pedestrian access to Building B, the Hotel Tower (as shown on Exhibit A), and the Podium, will be provided at grade level from the outdoor plaza, 7th Street, and Wilshire Boulevard via a passageway (pedestrian colonnade). The project will include streetscape improvements including sidewalk widening, landscape improvements, and street lighting adjacent to the property. Immediately surrounding the site, sidewalks will be improved as follows: 1) On 7th Street a 15-foot wide sidewalk with trees spaced on average 30 feet apart and 2 benches. 2) On Figueroa Street a 26-foot sidewalk with trees spaced on average 30 feet apart, and 2 benches. 3) On Wilshire Boulevard a 17-foot sidewalk with trees spaced on average 30 feet apart, and 2 benches. 4) On Francisco Street, a 8-foot sidewalk with trees spaced on average 30 feet apart, and no benches. All sidewalks surrounding the site will include trash receptacles and ADA-compliant ramps, which more safely maintain separate ramps for each crosswalk.

The Project will include extensive pedestrian amenities and outdoor areas, including outdoor dining, and will emphasize "slow street" design through pedestrian oriented lighting, signage, landscaping, and wall heights at the street. Moreover, the plaza would provide an outdoor gathering space for special events and would provide a linkage to the Los Angeles Sports and Entertainment District (LASED), including Staples Center, L.A. Live!, the Convention Center, as well as the future Grand Avenue project to the north, and public parks in the area.

Objective 11-7: *To provide sufficient parking to satisfy short-term retail/business users and visitors but still find ways to encourage long term office commuters to use alternate modes of access.*

The Project will incorporate reduced parking based on the close proximity to transportation, internal trip capture, and a TDM program. Moreover, the Project would be a 24 hour/7 day a week land use such that the parking spaces within the 8-story parking structure could be used continuously by different types of users depending on the time of day. As such, adequate parking would be provided to accommodate the needs of the Project, including short-term retail/business users and visitors.

In addition to the General Plan, the Project is consistent with the following policies found in the Downtown Design Guide:

Transportation Choices. Enable people to move around easily on foot, by bicycle, transit, and auto. Accommodate cars, but fewer than in the suburbs and allow people to live easily without one.

Accommodate vehicular access and parking in a way that respects pedestrians and public space and contributes to the quality of the neighborhood.

...Design all projects as transit-oriented developments (TODs) that encourage residents, tenants, and visitors to use transit.

Orient projects to provide convenient access to the nearest transit options (Metro rail or bus, DASH) wherever possible.

As discussed above, the Project is located near the 7th Street/Metro Center subway station, DASH bus lines and Metro bus lines, in accordance with the above policies, and the Project is designed to encourage walkability and pedestrian linkages to the community. Shared Parking is one component of a comprehensive transportation

strategy for the Project that correctly identifies the number of actual parking spaces needed for the project, without creating an excessive surplus of spaces that would encourage additional single-occupancy vehicle use.

9. **Conditional Use** for **Heliport**—Pursuant to 12.24 W.23 and 12.22 A.6 of the Municipal Code. The Applicant requests a Conditional Use Permit for a Heliport incidental to the office building, which would be a helipad located on the roof of the 1,250 feet tall building. The proposed frequency will average two landings per day. The Los Angeles Municipal Code makes no distinction between a "heliport" and a "helistop," but the Federal Aviation Administration (FAA) defines the proposed use as a helistop as it does not provide for helicopter refueling services or fuel storage. Based on this, the term Helistop is used herein as a more precise term.

A. The proposed location will be desirable to the public convenience or welfare.

The subject Site is bounded by Wilshire Boulevard to the north, Francisco Street to the west, 7th Street to the south, and Figueroa Street to the east in the Central City Community Plan Area (Downtown). The helistop is proposed to be located on top of Building A, as shown in Exhibit A—Helistop Roof Plan. A Helistop, for non-commercial use, and as required by Building and Safety, will be located on top of Building B. The subject Helistop is proposed to be located at a height of 1,090 feet above ground, and therefore not easily visible from the street or neighboring buildings. As proposed and as further conditioned above in Conditions of Approval 14 and 15, the Helistop pad will be architecturally integrated into the design of the building, and incorporated as a design element through architectural detailing, screening, and other features.

The Project site is located in the Downtown Los Angeles Financial Core District, which is bordered by the South Park district to the south and southwest, the Historic Core district to the east and southeast, Bunker Hill district to the north and northeast, and City West community to the north and northwest on the other side of the Harbor Freeway. The Financial Core District is namely comprised of contemporary high rise office buildings, particularly Figueroa Street. Seventh Street is characterized by a mix of commercial uses and building types, many of which are mid-rise and historic.

Building A, the office tower, will provide 1,500,000 square feet of Class A office uses, and chartered helicopter service would be used as an alternative mode of transportation by the office tenants. The Helistop is also anticipated to serve the guests of the 560-room hotel located in Building B of the Project. The Helistop appears to be an integral part of the Project's "full service" concept, luxury hotel, and upscale office space. Travel by helicopter is becoming more expected particularly for high-end establishments that cater to clientele demanding the ease, privacy, and speed offered by helicopter travel. As the only private helistop in the Downtown Center, the stop may provide a unique draw. Thus, the Helistop could be considered a desirable public convenience.

Based on its location with the Downtown Center, the proposed Helistop will be a desirable landing place for emergency services, thereby providing a benefit to the community. A helipad is required by the Los Angeles Fire Department for use in medical or fire emergencies, building evacuations, or any other emergency mission. In the existing high density Financial Core, it is increasingly more difficult for the City's air

support pilots to find a dedicated and safe place to land a helicopter, so the Helistop would also be utilized as a helipad in order to fulfill this need.

The Applicant will implement a "Fly Neighborly" noise abatement technique to reduce noise exposure to the surrounding area. Pilots trained in this noise abatement procedure would fly the helicopter in an appropriate and safe manner using a steeper approach and departure profile when landing and departing from the roof in order to reduce any noise impacts on the ground and adjacent neighbors.

B. The proposed location is proper in relation to adjacent uses or the development of the community.

The Project Site is surrounded by a mix of high-density commercial/retail and office uses contained in structures ranging from small buildings to skyscrapers, and which are physically separated from the Project Site by arterial and non-arterial roadways. The existing high-rise buildings have helistops for emergency access use, as required by Building and Safety. In addition, there is an existing permitted helistop at the project Site that was originally built on the top of the Statler Hilton Hotel (now the Wilshire Grand Hotel). The existing private helistop, the first of its kind in the City, is still active today and the proposed Helistop will continue to remain in proper relation to adjacent uses.

The Helistop will be located on the roof of a proposed 65-story structure, at a height of approximately 1,090 feet above ground level. The helipad will be set back from the edge of the roof top and not be easily visible from street level or from any surrounding buildings. Any roof parapets or screens surrounding the Helistop may further shield the Helistop and will be fully integrated into the design and architecture of the building. The required lighting, which would only be used after sunset, must meet Federal Air Administration (FAA) standards of safety, but will not create any light impacts on neighboring uses based on the height of Building A in relation to the surrounding uses. As part of the Project's sustainability efforts, the lights will be LED and may be activated by the pilot to turn on only during landing and takeoff operations.

To ensure that noise impacts on adjacent uses are minimized, the primary flight path proposed and as conditioned above in Condition 15 will be designed to travel north or south above the Harbor Freeway, and will avoid flying over residential or other noise sensitive land uses. A "Fly Neighborly" noise abatement technique will be used in flying aircraft to reduce noise exposure to the surrounding area. In this technique, the helicopter will be flown using a safe, but steep approach and departure technique when landing and departing from the roof in order to lessen the noise impact on adjacent neighbors.

The Helistop will provide on-demand service, and the anticipated average number of landings is two per day with an average of five per week over a seven-day period. The hours of operations is anticipated to vary, with 80 percent taking place between 7:00 am and 7:00 pm and 15 percent between 7:00 pm to 10:00 pm; and five percent on a rare occasion taking place after 10:00 pm. The small allotment for landings after 7:00 pm would accommodate the time difference associated with east coast and international arriving flights.

The Helistop is consistent with the adjacent uses and development of South Park and the Los Angeles Sports and Entertainment Districts (LASED), including the Staples Center and LA Live!, and would therefore benefit the neighborhood. The use of the Helistop for business would increase access to the Central City by high-profile

individuals. It would help foster a progressive business environment to attract investment and promote Downtown Los Angeles as the economic center of Southern California.

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

The first permitted helistop in Los Angeles was constructed on top of the Statler Hilton Hotel (now the Wilshire Grand Hotel, the Project Site) and is still active today. It is the only private helistop within the Downtown Center (other helistops in the area are for emergency use only, not for private use). The Helistop would be located at the same location as the City's first helistop, and would use the same flight paths along the Harbor (I-110 Interstate) Freeway.

The Project would redevelop an existing site located a few blocks north of the Staples Center, L.A. Live!, and the Convention Center, and several blocks south of the planned Grand Avenue development. Serving as a catalyst for increased Convention Center business, the Applicant proposes to develop a new mixed-use development that includes approximately 1,500,000 square feet of Class A office uses, approximately 560 luxury hotel and/or condominium hotel units, approximately 100 residential units, and approximately 275,000 square feet of amenity retail, restaurant, and ancillary hotel uses, including conference and ballroom spaces. An minimum one-quarter acre pedestrian plaza will provide for outdoor retail, dining areas, and special outdoor events. The Project, of which the Helistop is an integral part, will facilitate the renewal of Downtown Los Angeles' identity, reinforce viable functions of the Financial Core District, and create a landmark gateway development between the major cultural center of Central City and the rest of Downtown. The project in general will improve the aesthetic and social environment of the immediate neighborhood, improve the City's economic position by creating jobs, increasing property and sales tax revenues, and will not create any detrimental noise impacts.

The use of the Helistop for charter purposes may contribute to the economic viability of Downtown by helping to foster a positive business image that may attract additional private investments, while creating and retaining jobs for Downtown residents. The helicopter as an adjunct to the overall Downtown transportation system would be consistent with the Central City Community Plan which seeks land use development that would make the area attractive for regional, national, and international investments. The location of the Helistop on the northwest boundary of the planning area allows the helicopter operations to avoid conflict with the future development plans in Central City West because the helicopter would not need to fly over the residential areas in order to access the preferred flight paths along the freeway corridors.

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

The proposed Helistop use is consistent with the Framework Element of the General Plan, which defines the Downtown Center as *"an international center for finance and trade that serves the population of the five-county metropolitan region. It is the largest government center in the region and the location for major cultural and entertainment facilities, hotels, high-rise residential towers, regional transportation facilities, and the Convention Center. These uses serve the region, state, nation and world...[T]he Downtown Center is... the location for major cultural and entertainment facilities, hotels, high-rise residential towers, regional transportation facilities, and the Convention Center..."* The Project, of which the Helistop is an important and integral part, would be

consistent with these desirable elements by redeveloping a existing aging site with a sustainable, large-scale, high-rise, mixed-use development with cohesive implementation of new Class A offices, residential condominiums, luxury hotel, pedestrian plaza, retail, restaurants, and other amenity uses. The Project including the Helistop, would also be consistent with Central City Community Plan Commercial Policy 2-3.1 to *"[s]upport the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas..."*

The Helistop would physically connect Downtown with major airports in the Los Angeles region, and is a land use that is uniquely suited to be situated on the roof top of a major development in Downtown Los Angeles, and is consistent with Framework Element Objective 3.11 to *"[p]rovide for the continuation and expansion of...business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center."* The Helistop will connect Downtown Los Angeles with public and private airports in the Los Angeles region, which will support Policy 3.12 of the Transportation Element, which states, *"[e]ncourage and seek the formation of public/private partnerships within development centers and districts and provide appropriate transportation facilities and/or related programs, to the maximum extent possible."* The use of a Helistop contributes to the Central City Community Plan Commercial Objective 2-1 "*[t]o improve Central City's competitiveness as a location for offices, business, retail, and industry;"* and Commercial Policy 2-1.1 "*[t]o reinforce Bunker Hill and the Financial Core Districts as dominant centers for legal, financial, and other corporate services for Southern California and the Pacific Rim.*" Furthermore, the Helistop would be in accordance with the Framework Element objective for the Downtown Center to continue as "*a primary destination for business persons, government employees, and travelers from around the world."*

The Subject Project is consistent with the goals and policies of the Noise Element of the General Plan. The location of the helipad on the roof of Building A at 1,090 feet will reduce the noise and other impacts associated with helicopter operations on nearby properties, compared to existing conditions today. The flight path configurations will also serve to reduce the noise exposure on the surrounding land uses, compared to other potential paths of travel.

The Central City Community Plan highlights the concept of mixed-use development to encourage the coexistence of government, retail, commercial, cultural, and residential uses so that the districts within the Center City core can become a center of activity during business hours, evenings, and weekends. To the extent that helicopters are part of the intermodal transportation system promoted by the Transportation Element, the use of the Helistop would benefit businesses and the community, as well as aid in keeping Los Angeles a regional economic hub.

E. Additional Heliport Finding.

The City Council has reviewed the plans for the proposed helistop at the Site on the rooftop of Building A as set forth in Exhibit A in Figures 0.100, 0.300, 0.301, and 0.121 and in compliance with the State requirement of Public Utilities Code 21661.5, the City Council approves the plans for construction of the helistop.

10. **Variance from to permit outdoor dining**—Pursuant to Section 12.27 of the Municipal Code, the Applicant requests a variance from Section 12.14 A.1.b.3 to permit outdoor dining areas for restaurants and bars that are not located on the ground floor of the

proposed Project. The proposed outdoor dining areas could be located on the roof tops of Buildings A and B and the podium building, the outdoor plaza, and balcony areas.

A. *The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.*

While the Los Angeles Municipal Code (LAMC) Section 12.14.A.1.a allows restaurants as a permitted use in the C2 Commercial Zone, Subsection b.3 limits all activities in connection with such use to be conducted wholly within a completely enclosed building. The general purpose and intent of such a limitation is to prohibit commercial uses from spilling out onto the sidewalk or other adjacent areas and creating incompatibilities with neighboring uses. Subsection b.3 provides for an exception for outdoor eating areas for ground floor restaurants; however, the strict application of the provisions of the Subsection would restrict outdoor eating areas for restaurants not located on the ground floor. Further, while there may be some dining areas on the outdoor plaza, this area would also be considered above ground floor since the plaza steps up by as much as 20 feet from the lowest point to the highest point.

The variance requested is to provide for an element that would play a key role in contributing to the overall diversity and balance of activities and uses sought in the proposed mixed use development. The variance to allow for outdoor dining areas helps the project cater to a variety of visitor needs by allowing for more flexibility in the range of dining options as these relate to types of cuisine, cost, and type of restaurant. Given the climate in Southern California, the desire to create a pedestrian-oriented area within the development, and the recent trend to provide for patio dining additions, the request constitutes another major component to a successful project.

Zoning regulations are written on a Citywide basis, and cannot take into account individual and unique characteristics of a specific property and the use of land. The proposed outdoor dining uses would be operated without detrimental impacts to the surrounding uses, and would continue to observe the spirit of Section 12.14.A.1. The proposed restaurants and bars with outdoor dining and serving areas would be located on roof tops and on levels above the ground floor and would not be directly accessible from a public sidewalk or other rights-of-way. Instead, the outdoor dining areas would only be accessible from within the Project Site. The proposed outdoor dining uses would be fully integrated into the design and architecture of the building, and would, therefore, be consistent with the general purpose and intent of Subsection b.3, since they would not be susceptible to spillover activity or incompatibilities with neighboring uses.

Today's architecturally innovative mixed use projects often include the creation of elevated public spaces that function similar to traditional public streets and plazas. They allow for more quasi-public and semi-private spaces and permit relief from the urban buzz of Downtown Los Angeles. Activation of the podium level may function as a secondary ground floor for the surrounding uses, and this is certainly true of the plaza level. The roof top of Building B (as shown in Exhibit A) may incorporate a pool and patio, and food service in that area would be an expected amenity, because other similar high end residential and hotel uses provide that type of service. The roof top of Buildings A and B would not be visible from the public right-of-way and only minimally visible from neighboring uses, and because the proposed outdoor dining areas are integral to the Project, the strict application of the LAMC would result in unnecessary hardships that are inconsistent with the purpose and intent of the zoning regulations. A prohibition of such outdoor dining would pose an undue hardship because similar projects of this scale and

character include dining patios or street frontage dedicated to outdoor seating, which the subject project also seeks to replicate on-site.

B. *There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply to other properties in the same zone and vicinity.*

The Project is a landmark redevelopment of an entire city block located in the Financial Core District that could serve as a connecting spine to the activity and vitality of the Convention Center, Staples Center, and L.A. Live!, with the rest of Downtown. In addition to 1,500,000-square feet of Class A office space, a luxury hotel with 560 hotel rooms, 100 residential units, retail, and other amenities, the Project will include a number of restaurants and bars that will serve as amenities to the office, residential, and hotel uses, as well as serve as destination restaurants and bars for tourists and other Downtown neighbors and visitors. The subject project is the first large-scale development of its kind in many years in the Financial Core, and as such is the first one to incorporate the more recent resurgence in downtown activity and changing trends in restaurant service—namely the increased desire for outdoor dining in a variety of forms.

The proposed Project is unique, because unlike other properties in the same zone and vicinity, the Applicant proposes to provide a quarter-acre outdoor plaza on the first level of the Project Site. Because the first level would mainly be dedicated for pedestrian uses, some restaurant floor area would necessarily be located on the upper levels. The large ground floor space makes the proposed Project unique. Other neighboring properties within the surrounding area generally consist of office uses with ground floor retail uses, and they do not contain a substantially-sized plaza amenity. The proposed Project would provide public space on the ground level along with non-traditional types of outdoor spaces on upper floors that would be desirable for a Downtown project. There may be some dining areas on the outdoor plaza, but this area would also be considered above ground floor since the plaza steps up by as much as 20 feet from the lowest point to the highest point. An integral part of the Project is the spectacular views and its unique location in Downtown which can only be benefited fully by patrons if outdoor dining activities are permitted on levels above the ground floor.

C. *Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties 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.*

LAMC Section 12.14.A.1.b.3 limits all activities in connection with a restaurant use to be conducted wholly within a completely enclosed building, yet it grants an exception for outdoor eating areas associated with ground floor restaurants. The intent of such an exception is to allow for outdoor dining, which is an intrinsically desirable and valuable use of commercial property. This exception will be consistent with the purpose of the Subsection, which is to avoid spillover of commercial uses onto sidewalks and adjacent areas or the creation of incompatible uses. The variance to permit restaurants and bars with outdoor dining and serving areas located on levels on the roof tops and on levels above the ground floor would not create any spillover onto sidewalks or adjacent areas or other incompatibilities.

Given the zoning regulations, it is very difficult to develop a large-scale project of this size within an urbanized area, without the need for any variances from the Municipal

Code. Across the Project Site exists a 40-foot grade difference, as shown in Exhibit A and because of this, the ground floor plate is significantly diminished, creating practical difficulty in locating all outdoor dining areas on the ground floor. Moreover, because the Project exceeds 1,775,000 square feet of mixed-used development, substantial outdoor dining area to serve the hotel, office, and residential, and retail uses will be desirable and could not be satisfied with outdoor dining on the ground floor only. The economic viability of the restaurant dining portions of the Project are dependent upon the provision of outdoor dining area above the ground floor. Approval of the variance would permit outdoor dining areas that would be open year round due to Los Angeles' internationally-renowned climate, affording desirable views both day and night, a feature which will attract patrons from all over the City and beyond which would benefit not only the Project but the City as a whole.

Similar and nearby Downtown projects have been permitted to have outdoor eating areas above ground level including the Los Angeles Central Library complex, the California Club, the Jonathan Club, The Standard Hotel, Bonaventure Hotel, and Union Bank Plaza, among others. In addition, the 7th + Fig shopping center project to the south of the Project Site has outdoor dining areas below ground level. The circumstances surrounding the need for a variance for the Project are greater than many of these other Downtown projects and not permitting such a variance would deny the Applicant an essential use of their property enjoyed by many other surrounding property owners. Therefore, approval of the variance request would recognize special circumstances, practical difficulties, and unnecessary hardships inherent in the property and preserve a substantial property right enjoyed by other property in the same zone and vicinity.

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

The Project Site is surrounded by a highly urbanized commercial area with a mix of high-density commercial, retail, and office uses existing in structures ranging from low-rise to high-rise buildings. All such uses are separated from the project site by roadways. The surrounding buildings consist generally of office uses and ground floor commercial and retail uses, with the exception of two highrises, which contain only offices uses, and the one small historic building that contains a restaurant only. A portion of the Figueroa Tower ground floor at the corner of 7th Street and Figueroa Street, adjacent to the subject property, contains a portal to the 7th Street/Metro subway station. The outdoor dining areas would not be a deleterious use and would be compatible with these surrounding uses. The proposed outdoor dining areas would be fully integrated into the design and architecture of the building, and would not create any aesthetic impacts. As conditioned above in Condition of Approval 17, appropriate aural buffers and light deflection such as screening, landscaping, walls and canopies will be implemented, as necessary, to ensure that no noise or lighting disturbance would be created on neighboring properties. As required by the Building Code, appropriate railing or structures will be implemented as needed to ensure that the above ground level dining areas are safe, would be located wholly on the Project Site, and therefore would not be susceptible to spillover into the public right-of-way. The closest residential uses, the multi-family buildings of Pegasus apartments, Roosevelt Lofts, The Piero apartments, and 1010 Wilshire apartments are each located approximately 500 feet away from the project site.

Furthermore, this grant requires the filing of Plan Approvals, and outdoor dining areas would be reviewed in conjunction with any requests for on-site alcoholic sales, as

applicable. The granting of the variance will allow for a more cohesive and well-planned project than would otherwise be the case, which in turn enhances the value of the project to the community. Permitting outdoor dining above the ground floor level will not be materially detrimental to the public welfare or injurious to neighboring properties.

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

The granting of the variance would not adversely affect the Central City Community Plan, which is the Land Use Element of the General Plan for the Project Site. The Community Plan designates the property for Regional Center Commercial land use and has corresponding zoning of C2-4D and C4-4D, permitting the development of office, hotel, residential, and retail uses. The majority of the Project site has a zoning classification of C2-4D, and the eastern half of Francisco Street that is proposed to be vacated will have a zoning classification of C4-4D (consistent with the parcel to which it is adjacent).

Regional Centers are encouraged by the Community Plan to have high intensity regional commerce with employment and entertainment activity. In accordance with the Regional Center Commercial land use designation, the Project will include a diversity of uses including corporate and professional offices, retail amenities, hotel uses, residential units, and eating and drinking establishments. Outdoor dining will further diversify the types of eating and drinking establishments offered in the project.

The subject development is consistent with a number of Community Plan Objectives and Policies, as they relate to the provision of outdoor dining.

Objective 3.11: *Provide for the continuation and expansion of...business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center.*

The Project renovates an existing site and will provide a sustainable, large-scale, high-rise, mixed-use development with a cohesive implementation of new Class A offices, residential units, luxury hotel, outdoor plaza, retail, restaurants, and other amenity uses. Approval of the variance will permit outdoor dining areas that will be open year round due to Los Angeles' renowned mild climate and will afford desirable views both day and night. In particular, roof-top dining will be a sought-after destination activity.

Objective 2-3: *Promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows, and tourism.*

Policy 2-2.1: *Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and business*

Policy 2-3.1 to "[s]upport the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas of Central City and the Figueroa Corridor."

The Project, including the outdoor dining areas, will provide a key component that will contribute to the overall diversity and balance of activities and uses sought in the proposed mixed use development. The variance to allow for outdoor dining areas helps the project cater to a variety of visitor needs by

allowing for more flexibility in the range of dining options as these relate to types of cuisine, cost, and type of restaurant.

Objective 2-4 To ~~e~~ncourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism.

Policy 2-4.1 Promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity.

The subject Project will facilitate the development of this neighborhood, which is an existing pocket of activity providing commercial and restaurant uses along 7th Street, and office uses on Figueroa north of the project site, and commercial uses south of the project site. The project will provide restaurants and specialty uses and will promote night life activity given the presence of the proposed hotel. The presence of outdoor eating will offer additional opportunities for active environments.

Objective 4-4: *Encourage traditional and non-traditional sources of open space…*

Policy 4-4.1: *Improve Downtown's pedestrian environment in recognition of its important role in the efficiency of Downtown's transportation and circulation systems and in the quality of life for its residents, workers, and visitors.*

The outdoor dining areas will be compatible with the enjoyment of urban open space and pedestrian environments located on the rooftops of buildings and on a quarter-acre outdoor plaza. The proposed mixed use projects will include the elevated public spaces that function similar to traditional public streets and plazas, and allow for more quasi-public and semi-private spaces and permit relief from the Downtown bustle. The subject project offers a range of experiences—the provision of a plaza space is a traditional source of open space whereas rooftop dining is a more contemporary form of outdoor space use. The plaza and gallery or passageway through the site will serve pedestrian accessibility and circulation, while the presence of outdoor dining will make the spaces friendly, active, and interesting.

Urban Design Objective: *[Take] advantage of the great local climate; and…[promote] the use and enjoyment of the outdoors," (page V-1)*

Approval of the variance will directly permit users to take advantage of the local climate and will promote the use and enjoyment of the outdoors. The proposed outdoor dining areas will be open year round and will afford desirable views both day and night. Outdoor dining will serve an important function offering passive outdoor enjoyment.

The Framework Element of the General Plan defines the Downtown Center as "*an international center…and the location for major cultural and entertainment facilities, hotels, high-rise residential towers, regional transportation facilities, and the Convention Center….*" The Framework Element also emphasizes the desirability of land uses for the Downtown Center that provide for "*business retention and attraction…to maintain the area's economic role in the regional economy.*" The Project is consistent with these descriptions and components in that it renovates an existing site and will provide a

sustainable, large-scale, high-rise, mixed-use development with a cohesive implementation of new Class A offices, residential units, luxury hotel, outdoor plaza, retail, restaurants, and other amenity uses. The Framework Element's vision for a Downtown Center denotes that *"nighttime uses should be encouraged...to meet the needs of residents and visitors."* Approval of the variance will permit outdoor dining areas that will be open year round due to Los Angeles' renowned mild climate and will afford desirable views both day and night.

For these reasons, the granting of the variance for outdoor dining above the ground floor would be consistent with the Elements of the General Plan and would not adversely affect the General Plan. The outdoor dining will be a feature integral to the Project and would further advance a number of goals in the Framework Element and in the Community Plan.

11. Conditional Use for Alcohol Permit - Pursuant to 12.24. W1 of the Municipal Code. The Applicant requests a Master Conditional Use to permit the sales and consumption of alcoholic beverages in conjunction with multiple establishments on the property. This includes a Conditional Use request for hotel, restaurant, and other uses as follows, for a total of twenty-one (21) establishments:

CUB Request	On-site sales	Off-site sales
HOTEL	YES	NO
– 1 restaurant	YES	NO
– 1 cocktail lounge / nightclub	YES	NO
– 1 pool area bar service	YES	NO
– 1 catering service	YES	NO
– 1 mini-bar permit for sales dispensed from individual hotel guest rooms	YES	NO
– 1 portable bar	NO	YES
– 1 boutique shop	YES	YES
– 1 restaurant w/ take-out and/or delivery options for beer or wine only		
1 restaurant	YES	NO
1 restaurant	YES	NO
1 restaurant	YES	NO
1 restaurant	YES	NO
1 restaurant	YES	NO
1 cocktail lounge / nightclub	YES	NO
1 rooftop bar	YES	NO
1 catering service	YES	NO
1 grocery store	NO	YES
1 boutique shop	NO	YES
1 restaurant w/ take-out and/or delivery options for beer or wine only	YES	YES
2 grocery stores with wine tasting or similar uses	YES	YES

A. The proposed location will be desirable to the public convenience or welfare.

Section 12.24.W.1 of the LAMC allows a conditional use permit to be granted for the sale and dispensing of alcoholic beverages in the City's commercial and industrial zones. The proposed establishments would be located on property classified in the C2 Zone, which allow restaurant use, retail use, and hotel uses as a matter of right. The Project is located in a Regional Commercial Center, in a highly urbanized setting with a

diverse mix of residential, commercial, and entertainment uses. The service of alcoholic beverages in such settings has come to be accepted as a normal and desirable (a) complement to food service in quality restaurants, (b) component of quality retail and specialty retail establishments, and (c) complement to ancillary hotel uses, which typically include various types of alcohol sales such as restaurants, cocktail lounges, room service, catering, boutique shops, and in-room mini-bars.

Since alcoholic beverage service is a common amenity with meal service, and an expected amenity for many patrons, approval of the alcohol sales for the Project will be desirable to the public convenience and welfare. Figueroa Street is a major north-south thoroughfare connecting the City Center and is in close proximity to major public transit, and the Project intends to provide convenient access to quality restaurants, cocktail lounges, and specialty market/boutiques creating a vibrant area for street life and entertainment within a redeveloped, safe, and secure environment. Therefore, public convenience and welfare will be served by providing alcohol sales within a carefully controlled, first-class mixed-use development and appropriate security measures will be taken.

The proposed Project will be comprised of various community-serving uses such as restaurants, and a number of retail and grocery/convenience stores that, when located together, may eliminate the need for multiple automobile trips. Project residents and guests will have less need to travel outside the area to accomplish their shopping and dining needs, thus aiding in the relief of traffic congestion issues, as well as traffic safety. Of course, those traveling to the location will benefit from the transit service in close proximity.

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

The subject project is located on a full city block site. Located within an area designated for Regional Center Commercial land use in the Central City Community Plan, the Project Site is within the C2-4D and C4-4D zones within the Financial Core District of Downtown Los Angeles, a few blocks north of the Los Angeles Sports and Entertainment District and Convention Center. The Project will be a new, landmark mixed-use development with an approximately 65-story structure, no more than 1,250 feet in height, and an approximately 45-story structure, no more than 750 feet in height and with a maximum of 560 hotel rooms and/or condo-hotel units, 100 residential units, 1,500,000 square feet of office uses, and 275,000 square feet of amenity areas including project-serving retail and restaurant uses, conference and meeting rooms, ballrooms, spa, fitness center, and other ancillary hotel, residential, and office areas. An approximately one-quarter acre outdoor plaza would provide for outdoor commercial and gathering areas.

The proposed establishments that would sell alcohol are suitable for the location and will be in proper relation to the immediate area surrounding the Project Site, which is a mix of office buildings with ground floor retail, located across Francisco Street, Wilshire Boulevard, and Figueroa Street. The 7th and Figueroa Plaza shopping center is located across 7th Street. The request for on- and off-site alcohol sales and consumption will be compatible not only with the surrounding uses, but also the Project. It will provide a place for residents, hotel guests and visitors, general Downtown visitors, shoppers, and office workers to eat, drink, and shop, contributing to the continued and increasing vitality of the neighborhood. Alcohol sales are complimentary to these various uses, have come to be expected, and contribute to the popularity of the establishments and locations.

The alcohol sales are an appropriate component of the Project. Alcoholic beverage service is a key amenity with restaurant meal service, and a necessity for ballrooms, meeting rooms, and other special event venues at a luxury hotel. The Project's hotel will have a cocktail lounge, a restaurant, a pool area beverage service, a catering service, a boutique shop, and a portable bar, as well as hotel room mini-bars, all which are typical of a luxury four- or five-star hotel. The sale of packaged alcoholic beverages is typical of upscale specialty or gourmet shops, and grocery and convenience stores. The Project will provide a setting wherein many patrons are likely to fulfill shopping, dining, and entertainment needs in one visit and stay for an extended period of time.

There are no incompatible uses, such as schools or parks, within 1,000 feet of the Project. There is one church, the Christian Science Church, located at 730 S. Hope Street, which is within 600 to 1,000-feet of the Project Site.

Permitting alcohol sales on the Project Site will not be detrimental to the surrounding community or an existing circulation patterns. Vehicular access into the below-grade parking structure will be provided at both 7th Street (with a valet pick-up and drop-off) and Francisco Street (with self parking). Pedestrian access will be provided via Figueroa Street, Wilshire Boulevard, and 7th Street. Some of the Project's restaurants will be positioned around the outdoor plaza, and these open-air areas provide an appropriate setting for outdoor dining/patio areas connected to the restaurants that would activate the streets. Further, the Project Site is easily accessible for various forms of public transit.

The Applicant is requesting a total of 21 alcohol-selling establishments. Notably, there are an existing 11 onsite alcohol-selling establishments already (which would be demolished). The granting of this request assures a maximum cap on the number of establishments on-site. In order to allow for safeguards to be established on a case-by-case basis, and with consideration of additional details a Plan Approval for each establishment is required, pursuant to Condition of Approval 18.

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

Alcohol sales will not be detrimental to the character of development in the immediate neighborhood. The Project is envisioned to provide both convenient access to neighborhood-oriented goods and services for people who live and work Downtown, as well as become a destination experience due to its scale and unique location in one of the premiere Regional Centers of the City. Approximately 1,500,000 square feet of office uses, 100 residential units, 560 hotel rooms and/or hotel condos, and 275,000 square feet of Project-serving retail, restaurant, and other amenity uses will add vitality to a currently underutilized and deteriorating property. The permits for alcohol will enhance the character of development in the surrounding neighborhood by providing a high-quality, mixed-use, transit-oriented development with incidental alcohol sales.

A number of Conditions of Approval are included in this report, to ensure that establishments will not be materially detrimental to the character of development in the immediate neighborhood. Conditions of Approval 20 through 58 cover safety, security, hours of operation, design, cleanliness, with specific limitations for onsite and offsite sales. As well, to ensure that individual establishments are evaluated based on their character and circumstances so as to not be materially detrimental to the immediate neighborhood, the each specific establishment will be required to undergo a Plan

Approval, as required in Condition of Approval 18. This process allows for a comprehensive review of each establishment with input from each prospective tenant, the Police Department, the Fire Department, the Council office, and other interested parties. Security plans, floor plans, seating limitations, and other recommended conditions, as well as the mode and character of the operation, can be addressed and assured through the imposition of establishment-specific conditions.

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

Alcohol sales at this location will be harmony with the various elements and objectives of the General Plan. Located within the Central City Community Plan area, the Project Site is designated for Regional Center Commercial land use, with corresponding zoning classifications of C2-4D and C4-4D (although alcohol sales will only take place on the C2 portion. The proposed alcohol sales establishments are permitted in the Commercial zone with Conditional Use permits, as requested. The Central City Community Plan identifies some existing community-wide issues, which include, *"[l]ack of neighborhood-oriented businesses to support residential areas,"* (page I-14) and *"[l]ack of the necessary mix of retail to attract a variety of users to the Downtown area in the evenings and the weekends,"* (page I-14). The Community Plan states that *"the ultimate goal of the Central City Community is to create an environment conducive to conducting business and actively promote Downtown Los Angeles as the economic center for the region and California."* The Community Plan also seeks to *"encourage the investment in Central City of all types of businesses including commercial office, retail, manufacturing, and tourism, which in turn expands job opportunities for all of the city's residents,"* (page I-17). The request for alcohol at the Project Site will be consistent with this goal through the creation of a mix of retail uses that would attract a variety of users and actively promote Downtown as the economic center for the region.

In addition, the proposed Conditional Uses will be consistent with a number of specific objectives and policies contained in the Community Plan.

Objective 2-1: *To improve Central City's competitiveness as a location for offices, business, retail, and industry* (page III-5).

Alcohol sales are a key component of the proposed Project uses including their economic vitality. Approval of the request will permit alcoholic beverage service with restaurant meal service, ballrooms, meeting rooms and other event venues. Furthermore, the Conditional Uses will permit the proposed hotel cocktail lounge, rooftop bar and pool area beverage service, which are standard amenities in competitive four- and five-star hotels. As well, the sale of packaged alcoholic beverages is typical for an upscale boutiques, wine and cheese shops, and convenient stores and will allow these uses to be competitive compared to similar uses in the neighborhood and other City's downtown areas.

Policy 2-2.1: Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses," (page III-5) and Commercial Objective 2-3, "To promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows, and tourism (page III-6).

The proposed Project is located in a highly urbanized setting with a diverse mix of residential, commercial, business and entertainment uses. The service of alcoholic

beverages in such a setting has come to be normal and desirable and will be a key element to attracting high-profile office and retail tenants consistent with other tenants in the Central City.

Policy 2-3.1: *Support the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas of Central City and the Figueroa Corridor* (page III-6).

The proposed Project consists of hotel and entertainment uses located a few blocks north of the Staples Center, LA Live! and the Convention Center along Figueroa, and is in close proximity to public transit for linkage to other areas of the Central City. The sale and service of alcoholic beverages in hotels and entertainment areas is commonplace and desirable and would further promote the proposed Project as a satellite extension of the Central City's entertainment district.

The Framework Element of the General Plan encourages development that *"accommodate[s] a broad range of uses that serve the needs of adjacent residents, promote[s] neighborhood and community activity...and are...desirable places in which to...work and visit, both in daytime and nighttime."* Alcohol consumption can simply offer another option for a wide range of activities on the site and as a leisure pursuit can cultivate community activity.

Goal 3G: *A Downtown Center as the primary economic, governmental, and social focal point of the region with an enhanced residential community.*

Objective 3.11: *Provide for the continuation and expansion of government, business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center.*

The Framework Element's vision for a Downtown Center denotes that *"nighttime uses should be encouraged...to meet the needs of residents and visitors."*

The mix of uses proposed within the Project will serve the needs of the surrounding community and result in both daytime and nighttime activity, the latter being promoted primarily by the restaurants and hotel. The design of the Project encourages a lively, pedestrian-oriented environment with generous open spaces for social interaction.

Additional Findings for Alcohol Permits.

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

The sale of alcoholic beverages will not adversely affect the economic welfare of the community. The establishments serving alcoholic beverages will be a part of a carefully controlled mixed-use development. As tenants are identified for the retail and restaurant spaces, each individual establishment will be required to apply for a Plan Approval, as Conditioned in Condition of Approval 18. Security plans, floor plans, seating limitations, and other recommended conditions, as well as the mode and character of the operation, will be addressed and assured through the imposition of establishment-specific conditions in addition to the Conditions required as part of this grant. This will allow for further evaluation and measures to ensure that each Project establishment will not adversely affect the welfare of the community.

The area surrounding the Project Site is a mix of office buildings with ground floor retail. The requests for on- and/or off-site alcohol sales will be compatible with the surrounding uses, providing a place for residents, hotel guests and visitors, general Downtown visitors, shoppers, and office workers to eat, drink, socialize, and shop, contributing to the continued economic vitality of the neighborhood. Alcoholic beverage service is an expected amenity with high-end meal service for many patrons, as is the availability of room service and mini-bars in hotel guest rooms, and alcohol service at catered events in hotel ballrooms and conference centers. Approval of the Conditional Use permits will contribute to the success and vitality of the proposed Project, and reinvigoration of the site and vicinity. Approval of alcohol sales will increase the availability of desirable dining and entertainment venues, both during the day and night, contributing to a 24-hour Downtown. The Project location is easily accessible in that it is built adjacent to an existing subway station with connections to downtown and greater Los Angeles. Finally, the establishments will benefit the City through generation of new direct and indirect jobs, additional sales tax revenue, and business license and other fees, and by providing additional short-term and long-term employment opportunities.

F. *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 local Department of Alcoholic Beverage Control office, in Census Tract No. 2077.100 within which the Project is located, the maximum number of on-site licenses permitted is 2, with 68 existing, and the maximum number of off-site licenses permitted is 1, with 16 existing. The number of permitted licenses is based on the population of the census tract and, in the most recent census update, the population was reported to be 1,229 residents. Therefore, the proposed alcohol-serving establishments will result in an undue concentration of alcohol establishments in the area. However, the off-site and especially on-site thresholds are so low, and the existing count is so woefully non-compliant, additional establishments hardly create an unprecedented burden. As well, the residential population is anticipated to increase over time and even marginally as a result of this project. Additionally, though the Project proposes a total of 21 establishments, the Applicant currently holds six of the existing permits in the Census Tract for the present use (Wilshire Grand Hotel and Centre) that will be replaced by the Project. Thus, there would only be a net increase of 15 establishments with the approval of the proposed Conditional Uses.

A review of the alcohol establishments within 1,000 feet of the Project Site shows that there are 40 establishments: 33 with on-site only sales, 5 with off-sales only sales, and 2 with both on- and off-site sales. Six of the existing on-site only sale establishments are at the Wilshire Grand Hotel and Centre, which will be replaced by the Project. The other 27 on-site sales occur at: 601, 664, 735, 800, 801, 813, and 819 Figueroa Street; 505, 525, 538, 550, 612, 615, and 700 Flower Street; 711 Hope Street; 700 5th Street, 630 6th Street, 729, 800, and 815 7th Street; and 800 and 811 Wilshire Boulevard. The off-site only sales occur at: 505 and 538 Flower Street; 600 7th Street; and 626 Wilshire

Boulevard. The establishments that have on- and off-site sales are located at: 545 Figueroa Street and 711 Hope Street.

Importantly, according to the local Department of Alcoholic Beverage Control office, the Project is not located in a high crime-reporting district; it is in a very low crime-reporting district. A total of 28 crimes were reported within Reporting District No. 151 in the previous year. This represents approximately ten percent of reported offences on average, per district City-wide. The reporting districts average 282 crimes during the same period. This is significant given the fact that the Census Tract is currently over-concentrated as to alcohol selling establishments—it doesn't appear this has created a problem.

To Approval of the Conditional Use request will allow for a controlled number of establishments that serve alcoholic beverages. The restaurant and cocktail lounge establishments will offer a range of dining choices, including differing cuisines and atmospheres. The sale of alcoholic beverages is of importance to the successful operation of these facilities and the ability to attract and cater to their clientele. Since the establishments will be part of a carefully controlled, high-quality development, the service of alcoholic beverages will enhance the quality of the Project Site and surrounding area.

Furthermore, to ensure that the Project will not create detrimental impacts on the surrounding area, the specific details of each establishment will be reviewed pursuant to a Plan Approval, as Conditioned above in Condition of Approval 18. This will allow for a comprehensive review of each request with input from each prospective tenant, the Los Angeles Police Department, the Los Angeles Fire Department, and the City Council office. Security plans, floor plans, seating limitations, and other recommended conditions, as well as the mode and character of the operation, will be addressed and assured through the imposition of site-specific conditions. This extra protection will ensure that no adverse impacts could result due to on- and off-site alcohol sales and consumption.

G. *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 Project will not be detrimental to the character of development in the immediate neighborhood. There are no residentially-zoned communities within a 600-foot radius of the Project Site. The nearest multi-family residential uses, which include The Pegasus apartments, Roosevelt Lofts, The Piero apartments, and the 1010 Wilshire apartments, are located approximately 500 feet away from the Project Site to the east, southeast, north, and northwest, respectively, and are separated from the Project Site by commercial uses and in some cases, the 110 Harbor Freeway. There are no schools, hospitals, public playgrounds, or similar uses within a 600-foot radius of the Project Site. There is one church, the Christian Science Church, located at 730 S. Hope Street, which is within 600-1,000-feet of the Project Site. No detrimental effects should be expected from the Project.

For the restaurants and specialty markets that will sell alcoholic beverages, the sale will generally be incidental to their primary operations. Therefore, this use will not result in detrimental impacts to nearby residentially-zoned properties. The sale of alcoholic

beverages is of importance to operators of restaurants and specialty markets to attract and cater to their clientele. The establishments will be part of a high-quality, mixed-use development and all alcohol service will be within a carefully controlled environment served by responsible operators. Conditions of Approval 20 through 58 ensure that.

Additional Information Required by Planning Department Form CP-7773

- *What are the proposed hours of operation and which days of the week will the establishment be open? What are the proposed hours of alcohol sales?*

  Although specific tenants have not yet been identified, the hours of operation for the establishments are expected to be seven days a week from 8:00 a.m. to 2:00 a.m. Open hours could not go beyond this, as Conditioned in Condition of Approval 30. Any establishments that offer off-site sale of alcohol may be open to the public 24-hours a day, (e.g., convenience store), but the sale of alcohol would be limited to the hours of 8:00 a.m. to 2:00 a.m. through restrictions placed in the Conditional Uses.

- *What is the occupancy load as determined by the Fire Department (number of patrons)? What is the proposed seating in all areas?*

  This information is unknown at this time, but will be known when the individual establishments return for Plan Approvals as Conditioned in 18. Furthermore, all establishments seeking approval to sell and dispense alcoholic beverages will not exceed the maximum occupancy loads as determined by the Department of Building and Safety and the Fire Department during the Plan Approval process.

- *Is parking available on the site? If so, how many spaces? If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant? Where? How many off-site spaces?*

  The Project will be constructed over eight levels of subterranean parking containing approximately 1,900 parking spaces. Further, the Project is in close proximity to public transit, which will encourage patrons to visit the Project Site without the use of their vehicles.

- *Is there to be entertainment such as a piano bar, juke box, dancing, live entertainment, movies, etc? (Specify?) (On-site only).*

  The applicant has requested uses that may include live entertainment and dancing. However the conditions of approval limit the number and scope of such uses, subject to conditions applied during the required Plan Approval. Music that is complementary to a restaurant may be provided, such as a piano.

- *Is a full line of alcoholic beverages to be served or just beer and wine?*

  The sale and dispensing of a full line of alcoholic beverages is requested at the establishments that would be permitted under the Conditional Use.

- *Will cups, glasses, or other similar containers be sold which might be used for the consumption of liquor on the premises?*

  There would be various retail establishments within the Project. It is possible that some retail establishments and, in particular, the specialty market, may sell cups, glasses, or

other containers; however, the consumption of alcoholic beverages in such containers would be restricted to designated eating and event areas.

- *If a cocktail lounge is to be maintained incidental to a restaurant, the required floor plans must show details of the cocktail lounge and the separation between the dining and lounge facilities. (On-site only).*

  Specific tenants are not known at this time; therefore, it is not known whether a cocktail lounge would be maintained incidental to a restaurant or as a separate use. However, should a cocktail lounge incidental to a restaurant be desired, floor plans showing the lounge areas and the separation between the dining and lounge facilities will be provided for review during a Plan Approval process, as Conditioned in Condition of Approval 18.

- *Has the owner or lessee of the subject property been suspended from the sale of alcoholic beverages on the subject property or fined by the Alcoholic Beverage Control Department (ABC) in the last 365 days and if so, for what reasons?*

  No.

- *Will video game machines be available for use on the subject property and if so, how many such machines will be in use?*

  No.

- *Will you have signs visible on the outside which advertise the availability of alcohol?*

  No.

- *Will alcohol be sold without a food order? Will there be a kitchen on the site as defined in Section 12.03 of the Los Angeles Municipal Code?*

  It is anticipated that a cocktail lounge or bar will offer the sale of alcoholic beverages without a food order. It is also anticipated that wine tastings within the specialty market may occur without the provision of food. All restaurants will have kitchens on site.

- *Will beer or wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml)?*

  Because the specific operating procedures of tenants are unknown at this time, detailed information regarding the type of alcohol sales will be provided during the Plan Approval process. It is expected that the specialty market will sell alcohol in the amounts and size containers as may be allowed by the California Department of Alcoholic Beverage Control.

- *Will "fortified" wine (greater than 16% alcohol) be sold?*

  The restaurants and specialty market may choose to serve and sell wine products with greater than 16 percent alcohol, such as dessert wines, cognacs, and brandies.

- *Will off-site sales of alcohol as a secondary use to on-site sales occur (i.e., take out)?*

  A limited number of establishments, as conditioned, will permit off-site sales of beer and wine only, in conjunction with restaurant uses in the hotel and development.

- *Will discount alcoholic drinks or a "Happy Hour" be offered at any time?*

  It is anticipated that some establishments may have a "Happy Hour" or offer other promotional pricing on alcoholic beverages.

- *Will security guards be provided and if so, when and how many?*

  Security consistent with a Class A office building and luxury hotel, such as lighting, surveillance cameras, and security guards, may be provided within the Project; however, a comprehensive security plan has not yet been determined. Once the operators are identified, security plans will be formulated with input from the Los Angeles Police Department during the Plan Approval process, as Conditioned in Condition of Approval 18.

- *Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant?*

  No.

- *Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?*

  It is not anticipated that the restaurants or specialty markets will have alcohol sales that will exceed the sale of food items. A stand alone cocktail lounge or bar would have alcohol sales that exceed the gross sale of food items.

- *Provide a copy of the proposed menu if food is to be served.*

  Menus are not yet available as specific tenants are not known at this time.

- *How many employees will you have on the site at any given time?*

  The exact number of employees is not known at this time.

- *What security measures will be taken including: (a) posting of rules and regulations on the premises; (b) to prevent such problems as gambling, loitering, theft, vandalism, and truancy; (c) will security guards be provided and if so, when and how many?; (d) other measures.*

  The Project will post rules and regulations on the premises as may be required by the Los Angeles Police Department, the Los Angeles Fire Department, the California Department of Alcoholic Beverage Control, and/or as a result of the Conditional Use requests. Individual operators may have operations plans addressing these concerns, as well as have employees trained in alcohol awareness issues. A comprehensive security plan has yet to be determined.

- *Will there be minimum age requirements for patrons? If so, how will this be enforced?*

  For the restaurant use, no minimum age requirements will be necessary. However, should a cocktail lounge incidental to a restaurant be operated, State law precludes the patronage of minors under 21 years of age; signs will be posted and employees will be trained to check identification consistent with State law.

- *Are there any schools (public or private and including nursery schools), churches, or parks within 1,000 feet of your proposed business? Where?*

  There are no schools or parks within 1,000 feet of the Project. There is one church, the Christian Science Church, located at 730 S. Hope Street, which is within 600-1,000-feet of the Project Site.

- *For massage parlor or sexual encounter establishment applicants: are there any other adult entertainment businesses within 1,000 feet of your proposed establishment (i.e., adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theatre, adult theatre)?*

  This request does not involve a massage parlor or sexual encounter establishment.

- *For off-site sales, where will the alcohol be stored and displayed (indicate on floor plan)?*

  It is anticipated that the Project's specialty markets will display alcohol for sale on shelving and in refrigerated cases. However, since the specific tenant is not known at this time and the design of the store has not yet been developed, there are no floor plans available to indicate where alcohol will be stored and displayed. Floor plans will be provided for review during the Plan Approval process, as Conditioned in Condition of Approval 18.

- *Issuance of a new license to sell alcoholic beverages would serve the public convenience and necessity (as required by California Business and Professions Code Sections 23958 and 23958.4).*

  The Project will redevelop an aging site and introduce a landmark sustainable, transit-oriented development on an entire city block located in the Downtown Financial Core District. The Project will include Class A offices, luxury hotel, residential units, retail, restaurants, outdoor plaza, and other amenities. The service of alcoholic beverages is an essential component to establishing a vibrant, energized, pedestrian-friendly atmosphere, consistent with the Project Site's designation as a Regional Center. The adoption of the Conditional Uses may not create the type of over-concentration of alcoholic sales that California Business & Professions Code Sections 23958 and 23598.4 seek to curtail. Instead, allowing the sale of alcohol at the Project Site will advance the public convenience and necessity by servicing the demand for alcoholic sales consistent with the Project.

  Alcohol sales are not expected to create law enforcement problems at the Project Site. As part of the Project's security plan, security officers may be stationed at key locations within the Project Site to preserve the safety of the Project's residents, tenants, and visitor. The Project would provide high quality jobs in proximity to vibrant restaurant and retail uses. Therefore, the sale of alcoholic beverages at the Site is not expected to create the type of crime problem California Business & Professions Code Sections 23958 and 23598.4 seek to prevent.

12. **Conditional Use** for **Wireless Telecommunication**— Pursuant to 12.21 A.20, 12.21 A.21 and 12.24 W 49 of the Municipal Code. The Applicant requests a Conditional Use Permit for Wireless Telecommunications Facilities to be mounted on the rooftops of buildings A, B, and/or the podium level, as shown in attached Exhibit A—Wireless Telecommunication Facilities. The facilities will be used for cellular services, satellite TB, and/or other transmission. The facilities would serve the tenants of the office space or

may be leased to prospective collocation of facilities pursuant to Sections 65850.6 and 65964 of the California Government Code.

A. The proposed location will be desirable to the public convenience or welfare.

The subject site is bounded by Wilshire Boulevard to the north, Francisco Street to the west, 7th Street to the south, and Figueroa Street to the east in the Central City Community Plan Area (Downtown). The proposed rooftop wireless facilities will be located on multiple sides of the rooftops of A, B, and/or the podium level. The rooftop structures containing the wireless telecommunications facilities are proposed to be located a maximum height of 1250 feet from grade level, the permitted height of Building A, which is the tallest on the site. See attached Exhibit A—Wireless Telecommunication Facilities.

The Wireless Telecommunication Facilities will be strategically located in a manner consistent with public convenience by setting them back from the edge of the buildings so that they would not be visible from the surrounding public rights-of-way and the majority of surrounding uses. Equipment facilities and antennas, as proposed, will not extend more than ten feet above the highest point of the roof top, unless mounted on the walls of a penthouse. Any antennas, satellite dishes, or equipment cabinets visible from adjacent uses will be enclosed by screening materials matching the texture and color of the building, as Conditioned above in Condition of Approval 63.

The location of Wireless Telecommunication Facilities is desirable to public convenience by potentially providing for expanded and improved services within the project Site, the nearby vicinity, and along the 110 and 101 Freeway Corridors. The installation of such antennae and ancillary equipment furthers the clear and reliable use of wireless communications services. Given the increasing usage rates of cell phones and wireless internet access across the entire City and especially within the Central City and Financial District, Wireless Telecommunication Facilities are a common service to be provided as part of this type of project and would enhance and improve overall wireless service within the vicinity. Equipment capacity is a critical element in the installation of such antennae and associated equipment and installation of same is required to handle increasing call volumes. In light of the above, insofar as the placement of the proposed facility will contribute to the maintenance of an efficient communication system available to the public, the location of the project can be found to be desirable to the public convenience or welfare.

B. The location is proper in relation to adjacent uses or the development of the community.

The Project Site is located within the Financial Core District of Downtown Los Angeles and is bounded by Wilshire Boulevard to the north, Francisco Street to the west, 7th Street to the south, and Figueroa Street to the east. The Project Site is surrounded by a high density mix of commercial/retail and office uses contained in structures ranging from small buildings to skyscrapers, which are physically separated from the Project Site by arterial and non-arterial roadways. The structures that immediately surround the Project Site include: to the northwest across Francisco Street, a 21-story, 350-foot tall building at 1000 Wilshire Boulevard, and to the north across Wilshire Boulevard, a 53-story, 717-foot tall building located at 601 S. Figueroa Street, and a 22 story building located at 915 Wilshire (Bank of the West). East of the Project Site are a six-story building at 835 Wilshire Boulevard, a 15-story building (Northwestern Mutual Life) at 888 6th Street, and a five-story above-ground parking structure fronting Figueroa Street.

Located across Figueroa to the southeast of the Project Site are: a one-story building at the southern corner of the Wilshire Boulevard and Figueroa Street intersection, an approximately three-story building (Mullen Building/Historic Fire Station No.28) and a 24-story, 356-foot tall building (Figueroa Tower). To the south of the Project Site is a 12-story, 174-foot tall (Plaza) building with adjacent surface parking lot, and also on that block are two parking structures--one six-story and one seven-story. To the west and southwest of the Project Site across 7th Street are a 42-story 534-foot tall building (Ernst & Young Plaza), a 1 story mall (7 + Fig Center), a 52-story 725-foot tall building (777 Tower), and a 13-story parking structure that serves those uses.

The proposed Wireless Telecommunication Facilities will be located on the roof tops of Buildings A, B, and/or the podium level, as indicated in Exhibit A, Wireless Telecommunication Facilities. Building A is proposed as an approximately 65-story structure with a maximum height of 1,250 feet, Building B will be an approximately 45-story structure with a maximum height of 750 feet, and the podium will measure a maximum height of 170 feet. Buildings A and B will be taller than any of the aforementioned surrounding buildings, although the podium would not.

The Wireless Telecommunication Facilities are proper in relation to adjacent uses and will not be detrimental to improvements adjacent to or in the vicinity of the property it is located upon. While roof top facilities on Building B may be visible from Building A and from occasional helicopter flights, they will be at a height above the surrounding public rights-of-way and the majority of surrounding uses. As well, any facilities that may be visible from adjacent uses, including those on the Project Site (such as Building B viewed from Building A) or the podium from a nearby building, will be screened from view. In addition, equipment facilities and antennas as approved herein will not extend more than ten feet above the highest point of a roof top (unless mounted on the walls of a penthouse). The rooftop siting is advantageous as it prevents monopoles and other types of Wireless Telecommunication Facilities from being located at ground level, a visually undesirable location.

The proposed location of the Wireless Telecommunications Facilities is proper in relation to adjacent uses because the facilities would be located hundreds of feet away from residential land uses, even potential residences on the project site. The proposed wireless facilities will be unstaffed, will have no impact on the existing circulation system, and will generate little noise, odor or have any adverse impact on adjacent land uses.

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

The location of the proposed Wireless Telecommunication Facilities will not be materially detrimental to the character of development in the immediate neighborhood because the facilities would be placed on top of the roof of Buildings A, B, and/or the podium level at a height of 1250 feet, 750 feet, and 170 feet high, respectively. Further, the antennas, satellite disks, and equipment will be enclosed on the roof and will match the color and texture of the building. The wireless facility will not be noticeable to the general public and would therefore have little effect to the character of development observed in the immediate neighborhood.

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

The Central City Community Plan designates the property for Regional Center Commercial land use and has corresponding zoning of C2-4D and C4-4D, permitting the development of office, hotel, residential, and retail uses.

While the Community Plan is silent in regard to the location of Wireless Telecommunication Facilities, Regional Centers are encouraged by the Community Plan to have high intensity regional commerce with employment and entertainment activity. In accordance with the Regional Center Commercial land use designation, the Project will include a diversity of uses including corporate and professional offices, retail amenities, eating and drinking establishments, hotel uses, and residential units. The ability to have optimal services from Wireless Telecommunication Facilities for business and recreation are increasingly necessary for the successful operation of such uses. Therefore, the location of the facilities can advance the overarching planning principles set forth in the Framework Element, including the establishment of a "[m]ixed use center that provide[s] jobs, entertainment, culture, and serve[s] the region" (Regional Center Goal 3F). The Wireless Telecommunication Facilities will contribute toward this goal by increasing the service of the Class A office space that will be in close proximity to other office uses within the Financial District, and increasing the services of a new hotel and residential space that is within close proximity to the Financial District, the Convention Center, and entertainment and cultural centers of Downtown Los Angeles.

The proposed Wireless Telecommunication Facilities advances a policy of the City's Safety Plan, which states that "*...an Emergency Notification System providing quick, no-cost, readily accessible service for reporting fires and other general emergencies by the general public be established.*" The proposed facilities also advance the City's Seismic Safety Plan, which states that it is the City's policy "*That the emergency communications network, emergency control center, and reconnaissance systems are properly maintained.*" Therefore, the proposed location of the facilities will be in harmony with the various elements and objectives of the General Plan.

Additional Findings pursuant to 12.24 W.49 to allow for variations from the Wireless Telecommunication Facilities Standards for facility height up to 15 feet, and for a structural integrity report.

E. The project is consistent with the general requirements of the Wireless Telecommunications Facilities Standards set forth in Section 12.21-A,20 of the Municipal Code.

a. The site is of a size and shape sufficient to provide the following setbacks:

1) For a monopole or tower, the tower setback requirements are met as to those portions of the property abutting the residential or public uses.

Not Applicable. There are no monopoles or towers proposed.

2) For all other towers or monopoles, the site shall be of sufficient size to provide the setback required in the underlying zone between the base of the tower, accessory structures and uses, and guy anchors, if any, to all abutting property lines.

Not Applicable. There are no monopoles or towers proposed.

b. The required setbacks shall be improved to meet the screening and landscaping standards to the extent possible within the area provided.

The Wireless Telecommunication Facilities would be set back from the edge of the top of the buildings so they would not be visible from the surrounding public rights-of-way and the majority of surrounding uses. Equipment facilities and antennas will not extend more than ten feet above the highest point of the roof top, unless mounted on the walls of a penthouse, or as permitted and reviewed pursuant to a Plan Approval, as Conditioned in Condition of Approval 59. The rooftops of Buildings A, B, and/or the podium level may contain amenity uses, and the rooftop of Building A may have a Helistop. Any antennas, satellite dishes, or equipment cabinets visible from adjacent or project site uses will be enclosed by screening materials matching the texture and color of the building, or by landscaping, as Conditioned above in Condition of Approval 63.

Dish antennae will not be light replecitve or have any sign copy on them nor shall they be illuminated, unless required by the FAA, as Conditioned above in Condition of Approval 63.

Building mounted antennas will be screened from view, except onmi-directional antennas under certain circumstances. The screening will include parapets, walls, or similar architectural elements provided it is painted and textured to integrate with the architecture of the building, or landscaping, as Conditioned above in Condition of Approval 63.

Support structure antennas will be placed on premises to minimize visual impacts to adjacent non-industrial properties and adjacent public rights-of-way. Landscaping may be positioned on the premises to minimize the visual impacts to adjacent non-industrial properties and adjacent public rights-of-way, as Conditioned above in Condition of Approval 63.

Exterior equipment buildings constructed on premises will be architecturally similar to the existing building or otherwise architecturally integrated, as Conditioned above in Condition of Approval 63.

c. The visual impact standard is met.

The location of the proposed Wireless Telecommunication facilities at the top of the project site Buildings A, B, or the podium, indicate the project is designed to have the least possible visual impact on the environment, taking into consideration technical, engineering, economic and other pertinent factors. As Conditioned above in Condition of Approval 63, the Visual Impact standard is met.

d. An effort in good faith was made by the applicant to locate on existing sites or facilities in accordance with the guidelines.

The subject property will be entirely redeveloped as part of the Subject Project. Existing Wireless Telecommunication Facility sites in the vicinity are currently being used and do not have the capacity for the quality of facilities required by the proposed project.

e. The project is consistent with the general requirements of the Wireless Telecommunication Facilities Standards set forth in the Code.

The proposed project will be in full compliance with FCC regulations and standards for minimum siting distances to habitable structures, and will comply with FAA regulations for illumination and finishing. The wireless facility will be set back greater than 20 percent of its height from all abutting streets, residential uses or areas with access to the public, and will be certified by a professional engineer licensed in the State of California to meet the appropriate structural standards and be placed accordingly. The applicant is required to remove all facilities within 90 days of discontinuance of use. The facility will be designed to have minimal visual impacts, as the wireless facility will be designed as a part of the roof. The facilities will be designed to be integrated into the roof, or otherwise screened, and as such, the facilities screening is adequate and appropriate for the site.

f. The use will have no substantial adverse impact on properties or improvements in the surrounding neighborhoods.

As noted in previous Findings, the proposed wireless facility will be adequately screened and designed as part of the roof structure. The wireless facility itself will have no impact on the visual character of the site from abutting public streets. The use itself is a passive use and would not generate traffic or cause any significant physical changes to the subject property or surrounding land uses. Therefore, the use of the proposed Wireless Telecommunications Facilities will not cause substantial adverse impacts on properties or improvements in the surrounding neighborhood.

13. Environmental Findings (CEQA) –
HAVING RECEIVED, REVIEWED, AND CONSIDERED THE FOLLOWING INFORMATION AS WELL AS ALL OTHER INFORMATION IN THE RECORD OF PROCEEDINGS ON THIS MATTER, THE CITY COUNCIL OF THE CITY OF LOS ANGELES HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

I. CERTIFICATION OF THE FINAL EIR

The City Council of the City of Los Angeles (the "City") hereby finds that the Final Environmental Impact Report State Clearinghouse No. 2009071035, dated November 2010 (the "Final EIR") for the project described below has been completed in compliance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. in connection with the following approvals granted to the Applicant. This Final EIR was certified in connection with all discretionary or ministerial approvals and permits required to implement the Project, including the Vesting Tentative Tract # 71141.

The City determined an EIR was necessary to analyze the potential environmental effects of the proposed project. The Notice of Preparation (NOP) for a draft EIR (the "Draft EIR") was circulated for a 30-day review period starting on July 9, 2009 and ending on August 10, 2009. A scoping meeting was held on July 23, 2009. Subsequent to the distribution of the NOP on July 9, 2009, it was determined that a number of notices were not delivered to people who should have received it. Therefore, the city issued a recirculated NOP on November 5, 2009, with a second 30-day review period ending December 7, 2009. A second scoping meeting was held on November 19, 2009. Based on public comments in response to the NOP and a review of environmental issues by the City, the Draft EIR analyzed the following environmental impact areas:

Air Quality; Biological Resources; Climate Change; Cultural Resources: Historic, Archaeological, and Paleontological Resources; Environmental Hazards and Safety; Hydrology and Water Quality; Land Use: Planning and Physical; Light and Glare:

Artificial Light and Glare, and Shade and Shadow; Noise and Vibration; Population, Housing, and Employment; Public Services: Fire, Police, Schools, Parks & Recreation, and Libraries; Transportation/Traffic; Utilities: Water, Sewer, Solid Waste, Electricity Supply, and Natural Gas Supply; and, Visual Resources.

On July 8, 2010 the City released the Draft EIR for public comment. The comment period was 45 calendar days, ending on August 23, 2010. The lead agency also accepted comment letters after the comment period closed. The lead agency received 35 written comments on the Draft EIR from public agencies, groups and individuals. Responses to all comments received during the comment period are included in the Final EIR. Two comments were submitted in that time but not received until after the Final EIR was complete. Additional comment letters were received after the public comment period closed. These comment letters (letter dated November 12, 2010 by Jeffer Mangels Butler & Mitchell LLP; letter dated December 15, 2010 by Brookfield Properties Inc.; and letter dated January 14, 2011 by DLA Piper attached to the appeal filed by Brookfield Office Properties et al) were responded to in the Additional Responses to Comments issued by the City Planning Department on February 18, 2011 and which are incorporated in and made a part of the Final EIR.

II. FINDINGS

Section 21081 of the California Public Resources Code and Section 15091 of the State CEQA Guidelines (the "Guidelines) require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more of three possible findings for each of the significant impacts.

1. *Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Guidelines Section 15091 (a)(1)); and*

2. *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Guidelines Section 15091(a)(2)); and*

3. *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or project alternatives identified in the final EIR. (Guidelines, Section 15091(a)(3)).*

For those significant effects that cannot be mitigated to a level below significance, the City is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

All Final EIR mitigation measures and project design features, as discussed herewith and as set forth in the Project's Mitigation Monitoring and Reporting Program (the "MMRP"—included in a section of the Final EIR, contained in Exhibit I, and project design features, are incorporated by reference into these findings. In addition, any revisions to the Project that have occurred during the administrative process are incorporated by reference into these findings. In accordance with the provisions of CEQA (California Public Resources Code §§ 21000, et seq.) and the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3, §§ 15000 et seq.), these findings are

hereby adopted as part of the certification of the Final EIR and adoption of a Statement of Overriding Considerations for the Project.

III. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT

The City of Los Angeles Planning Department prepared an Initial Study dated July 2009, for the Project, which determined that the proposed Project would not have the potential to cause significant impacts in the areas of Agricultural Resources and Mineral Resources.

The Final EIR found that the following environmental impacts of the Project will be less-than-significant either as designed with the project design features, or as a result of the impact reductions achieved by revisions to the Project, or by the implementation of mitigation measures and conditions of approval:

A. **Air Quality** (Operational Mass Daily Criteria Pollutant Emissions, Localized Emissions, Toxic Air Contaminants, Localized CO Concentrations from Motor Vehicles, Harbor Freeway-Related Emissions, Odors, Consistency with the Air Quality Management Plan, Impacts due to Implementation of the Land Use Equivalency Program and the Design Flexibility Program, and Incorporation of LEED Systems)

Description of Significant Effects. Using the South Coast Air Quality Management District's ("SCAQMD") emissions thresholds and recommendations, the Final EIR concluded that the Project will result in less-than-significant air quality impacts with respect to (a) operational mass daily emissions of volatile organic compounds (VOCs), carbon monoxide (CO), nitrogen oxides (NOX), sulfur oxides (SOX) and particulate matter (PM10 and PM2.5), (b) localized emissions of CO, NOX, PM10 and PM2.5, (c) emissions of toxic air contaminants, (d) localized CO emissions from motor vehicles, (e) TAC emissions from motor vehicles on the Harbor Freeway, (f) odors, (g) consistency with the Air Quality Management Plan (AQMP), (h) implementation of the Land Use Equivalency Program, (i) implementation of the Design Flexibility Program, and (j) incorporation of Leadership in Energy and Environmental Design (LEED) systems. Mitigation Measure MM-1 has been adopted to further ensure that localized construction emission impacts generated by heavy-duty diesel-powered construction equipment will remain less-than-significant. Project Design Features PDF-1 through PDF-5 have been incorporated to further ensure that air quality impacts will remain less-than-significant.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Mass Daily Emissions of Criteria Pollutants

(i) Construction

Construction activities associated with the Project will include demolition of the existing buildings and subterranean parking garage and redevelopment of the Project Site with a maximum of 560 hotel rooms and/or condo-hotel units, 100 residential dwelling units, 1,500,000 square feet of office uses, and 275,000

square feet of Project-serving retail and restaurant uses, conference and meeting rooms, ballrooms, spa, fitness center, and ancillary hotel areas. The debris from the demolished lot will be exported to a landfill. The Project Site will be excavated and graded to accommodate the building foundation for the proposed building structures, and the excavated soil will be exported. The proposed residential, hotel, office, retail, and restaurant uses will then be constructed. Overall, construction activities at the Project Site will occur over an approximate 54-month period, with construction beginning approximately in May 2011.

The Project's regional peak daily construction emissions were estimated, for each year of construction, utilizing the URBEMIS 2007 computer model recommended by the SCAQMD. That analysis concluded that the peak daily emissions of VOCs, CO, SOx, PM10 and PM2.5 generated during Project construction will be less-than-significant under the thresholds recommended by the SCAQMD during any of the construction phases and during any overlap of phases. As such, the regional air quality impacts associated with these Project-related mass construction emissions will be less-than-significant. Even though these impacts will be less-than-significant, Mitigation Measure MM-1 has been adopted to further ensure that construction emissions of these pollutants generated by heavy-duty diesel-powered equipment will remain less-than-significant.

(ii) Operation

Regional operational emissions of VOCs, CO, NOX, SOX, PM10, and PM2.5 from the Project's stationary (area and point sources) and mobile sources will result from normal day-to-day activities. Stationary area source emissions will be generated by the consumption of natural gas for space and water heating devices and cooking appliances, and stationary point source emissions will be generated by the operation of cooling towers, broilers, and co-generation units. Mobile emissions will be generated by the motor vehicles traveling to and from the Project Site. In addition, emissions will also be generated by operation of the helistop. The analysis of mass daily operational emissions prepared utilizing the URBEMIS2007 computer model recommended by the SCAQMD concluded that the Project's net operational daily emissions will not exceed the thresholds of significance established by the SCAQMD during either the summer or the winter seasons. The analysis further concluded that a reduction in operational NOX emissions will occur under the Project, which is primarily due to the net reduction in natural gas emissions associated with the Project when compared with the existing uses at the Project Site. Therefore, the Project will result in no significant impacts with respect to regional operational emissions of criteria pollutants.

(b) Localized Emissions of CO, NOX, PM10 and PM2.5

(i) Construction

The construction activities associated with the Project will cause diesel emissions as well as generate emissions of dust. Construction equipment within the Project Site that will generate criteria air pollutants will include, but are not limited to, excavators, graders, forklifts, loaders, and water trucks. Some of this equipment will be used during demolition and grading activities as well as when building structures are constructed on the Project Site. In addition, emissions during

construction activities also include export truck trips offsite to remove debris during the demolition phase. Using the methodology promulgated by the SCAQMD, estimates of maximum on-site daily emissions for NOX, PM10, PM2.5, and CO were compiled for each phase of construction and compared to the applicable screening thresholds based on construction site acreage and distance to the closest sensitive receptor. The three-acre sample construction scenario developed by the SCAQMD was used as a template to analyze the significance of the construction emissions generated by the Project. In conducting the analysis, the parameters of the three-acre sample construction scenario (e.g., construction schedule, number of equipment, amount of dirt handled, size of the areas disturbed, etc.) were modified such that they will apply to the project-specific characteristics of the Project.

The analysis concluded that on-site localized emissions generated by the Project during the different phases of construction will not exceed the established SCAQMD localized significance thresholds (LSTs) for NOX, CO, PM10, and PM2.5 at a receptor distance of 82 feet. Thus, because the concentrations decrease with increasing distance from the Project Site, the on-site construction emissions will also not exceed the SCAQMD localized thresholds at receptor distances beyond 82 feet (i.e., 164, 328, 656, and 1,640 feet). Therefore, the localized air quality impacts resulting from construction emissions associated with the Project will be less-than-significant. Even though these impacts will be less-than-significant, Mitigation Measure MM-1 has been adopted to further ensure that localized construction emission impacts generated by heavy-duty diesel-powered construction equipment will remain less-than-significant.

(ii) Operation

The Project's operational localized emissions were analyzed against the SCAQMD's LSTs for a receptor location of 82 feet. This analysis concluded that the net on-site operational localized emissions generated by the Project would not exceed the established SCAQMD LSTs for NOX, CO, PM10, and PM2.5. It further concluded that a net reduction in operational NOX emissions will occur under the Project, primarily due to the reduction in natural gas emissions associated with the Project when compared with the existing uses at the Project Site. Thus, the localized air quality impacts resulting from on-site operational emissions associated with the Project will be less-than-significant.

(c) Toxic Air Contaminants

(i) Construction

A health risk assessment (HRA) was performed for the Project to evaluate the health risks to nearby receptors associated with TACs associated with the construction emissions at the Project Site (see Appendix IV.G.2 to the Draft EIR). The greatest potential for toxic air contaminant ("TAC") emissions will be related to diesel particulate matter ("DPM") emissions associated with heavy equipment operations (e.g., excavators, bulldozers, backhoes, graders, etc.) during grading and excavation activities. For long-term health impacts (cancer risk and chronic non-cancer hazard), the California Air Resources Board ("CARB") considers DPM to represent the total risk associated with combustion of diesel fuel. Dispersion modeling was performed to estimate the ground-level DPM concentrations resulting from operation of the construction equipment at the

Project Site. The modeling estimated ground-level DPM concentrations at receptors distributed at the locations of the potentially exposed receptors including the office and commercial uses surrounding the Project Site, utilizing pre-processed meteorological data for the Central Los Angeles surface meteorological station, which is the station nearest to the Project Site, obtained from the SCAQMD.

The Final EIR concluded that the estimated maximum cancer risk at the most impacted residential and worker locations will be below the SCAQMD's risk threshold of 10 in one million for construction. As the most impacted residential and worker locations will experience increased cancer risks that are below the threshold, the other identified residential and worker off-site receptors also will not exceed the 10 in one million threshold. Therefore, Project impacts with regard to cancer risk will be less-than-significant. In addition, chronic and acute non-cancer hazards would be below SCAQMD's hazard index threshold of 1.0 at the most impacted residential and worker off-site receptors. As such, the more distant off-site residential and worker receptors would also experience non-cancer risk hazards below the threshold. Therefore, Project impacts with regard to chronic non-cancer health effects are will also be less-than-significant. As such, Project-related impacts during construction due to TAC emissions will be less-than-significant. Even though these impacts will be less-than-significant, Mitigation Measure MM-1 has been adopted to further ensure that construction emissions generated by heavy-duty diesel-powered equipment will remain less-than-significant.

(ii) Operation

An HRA was conducted to evaluate the health risks to nearby receptors associated with TACs generated from operational emission sources at the Project Site (see Appendix IV.G.2 to the Draft EIR). Evaluated operational sources of emissions at the Project included under-fired broilers to be used at Project commercial kitchens, boilers for space heating and domestic water heating, delivery trucks accessing the Project, and helicopters utilizing the helipad proposed for the roof of the office building. Potential TACs associated with operational emissions include acetaldehyde, acrolein, benzene, benz[a]anthracene, benzo[a]pyrene, 1,3-butaldiene, cresol, dichlorobenzene, DPM, ethyl benzene, ethylene chloride, formaldehyde, naphthalene, indeno(1,2,3-cd)pyrene, phenol, propylene, toluene, and xylenes. TAC emissions were quantified based on information provided by the technical consultants as described in Appendix IV.G.2. Similar to the HRA of the Project's construction emissions, dispersion modeling utilizing pre-processed meteorological data for the Central Los Angeles surface meteorological station was conducted using the AERMOD model to estimate TAC concentrations resulting from operations at the Project Site.

The health impacts from TAC emissions associated with operational activities were evaluated for receptors at the proposed hotel within the Project Site, which is where future permanent residents are anticipated to reside, for nearby sensitive receptors and for off-site workers by estimating the incremental cancer risks, and the non-cancer chronic and acute health impacts. This analysis found that the estimated maximum cancer risk at the most impacted sensitive receptor and worker locations would be a negative cancer risk, reflecting that the Project is anticipated to result in a decrease in potential cancer risk as compared to the

existing operations. Therefore, Project impacts with regard to cancer risk will be less-than-significant. Similarly, chronic and acute non-cancer risk hazards were found to be negative, reflecting that the Project is anticipated to result in a decrease in potential non-cancer health impacts relative to the existing operations. Therefore, Project impacts with regard to chronic non-cancer health effects are concluded to be less-than-significant.

(d) Localized CO Concentrations from Motor Vehicles

An analysis of the localized CO concentrations generated by motor vehicle travel associated with the Project at the study intersections examined in the Project's traffic study was also conducted to determine whether the Project will be likely to subject sensitive receptors to CO hotspots. Following the recommendations of the SCAQMD, and based on the transportation study for the Project, the localized CO concentrations at 25 of the 42 study intersections in the vicinity of the Project Site generated by motor vehicle travel associated with the Project were evaluated with the addition of traffic growth associated with cumulative development. The simplified CALINE4 screening procedure was used to predict future CO concentrations at the study-area intersections in the vicinity of the Project Site in the year 2020 with cumulative development in order to provide a worst-case analysis of future conditions.

This analysis demonstrated that future 1-hour and 8-hour CO concentrations near the study intersections will not exceed their respective national or state ambient air quality standards. Therefore, implementation of the Project and cumulative development will not expose any possible sensitive receptors (such as residential uses, schools, hospitals) located in close proximity to these intersections to substantial localized pollutant concentrations. There will be a less-than-significant impact regarding the exposure of sensitive receptors to substantial CO concentrations.

Additionally, an alternate traffic impact analysis was prepared for the Project based on actual traffic counts taken at the Project Site driveway. Based on this alternate traffic impact analysis, the traffic volumes at the study intersections analyzed in the traffic analysis were modified slightly from the previous analysis that was based on standard LADOT procedures. As such, the localized CO concentrations at a total of 16 study intersections in the vicinity of the Project Site generated by motor vehicle travel associated with the Project with the addition of traffic growth associated with cumulative development under this alternate analysis scenario were evaluated.

This analysis concluded that future 1-hour and 8-hour CO concentrations near the study intersections will not exceed their respective national or state ambient air quality standards. Therefore, implementation of the Project and cumulative development under the alternate future scenario that was analyzed in the traffic impact analysis will not expose any possible sensitive receptors located in close proximity to these intersections to substantial localized pollutant concentrations. There will be a less-than-significant impact regarding the exposure of sensitive receptors to substantial CO concentrations.

(e) TAC Emissions from Motor Vehicles on the Harbor Freeway

TACs emitted by vehicles traveling along the Harbor Freeway may include acrolein, benzene, acetaldehyde, 1,3-butadiene, and formaldehyde in gasoline-powered vehicles, and DPM in diesel-powered vehicles. The individual lifetime cancer risk, chronic non-cancer hazard index, and acute non-cancer hazard index were calculated for the future residents (both child and adult residents) of the Project from exposure to the TACs emitted by vehicles traveling along the Harbor Freeway. (See Appendix IV.G.3 to the Draft EIR.)

This analysis demonstrated that the estimated maximum cancer risk for future residents of the Project (children and adults) from exposure to emissions generated by traffic traveling along the Harbor Freeway will be below the SCAQMD's risk threshold of 10 in one million. In addition, chronic and acute non-cancer hazards will also be below SCAQMD's hazard index threshold of 1.0 at the future residences. Therefore, impacts on the future Project residents with regard to lifetime cancer risk and chronic and acute non-cancer health effects will be less-than-significant. Additionally, as the proposed hotel building (the proposed location of the future residents) is located nearest to the Harbor Freeway on the Project Site, it is anticipated that if residents were located on other portions of the Project Site, the health impacts would be lower in magnitude.

(f) Odors

(i) Construction

Potential sources that may emit odors during construction activities include the use of architectural coatings and solvents and of diesel engines. SCAQMD Rule 1113 limits the amount of volatile organic compounds (VOCs) from architectural coatings and solvents. Compliance with this rule prevents construction materials from creating objectionable odors. In addition, due to the nature of the construction activities and the relatively small footprint of the construction site, there will be few pieces of diesel-powered equipment operating simultaneously. Therefore, construction activities will create a less-than-significant impact with respect to odors. Even though this impact will be less-than-significant, Mitigation Measure MM-1 has been adopted to further ensure that construction odors generated by heavy-duty diesel-powered equipment would remain less-than-significant.

(ii) Operation

Odors are typically associated with the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes. The Project will include hotel, residential, office, retail, and restaurant uses, and will not contain any of these odor producing uses. However, potential operational airborne odors could result from cooking activities associated with the new restaurants and residential dwelling units. These odors will be minimal, if noticeable at all; will be similar to existing residential and commercial uses in the local vicinity; and will be confined to the immediate vicinity of the new buildings. Therefore, implementation of the Project will not create objectionable odors affecting a substantial number of people. This impact will be less-than-significant.

(g) Consistency with the AQMP

The City has adopted as its thresholds the SCAQMD's criteria for determining consistency with regional plans and the regional AQMP. These criteria include: (1) identifying whether a project would increase the frequency or severity of existing air quality violations or cause or contribute to new air quality violations and (2) identifying whether a project would exceed the assumptions utilized in preparing the AQMP. Under the second criterion, a significant impact would occur if a project is inconsistent with the growth assumptions upon which the regional AQMP was based.

Based on the SCAQMD's CEQA Air Quality Handbook, an analysis of the Project's pollutant emissions relative to localized pollutant concentrations was to evaluate the Project's consistency with the first criterion. The analysis concluded that the SCAQMD's localized thresholds for NOx, CO, PM10, and PM2.5 will not be exceeded during Project construction and operation. In addition, because the SO2 emissions will be negligible during Project construction and long-term operations, a violation of the SO2 ambient air quality standard will not occur as a result of the Project. Overall, as none of the criteria pollutant concentrations will exceed the SCAQMD's significance thresholds at off-site receptors in proximity to the Project Site, the Project meets the first criterion for determining Project consistency with the 2007 AQMP.

With regards to the second criterion, projects that are consistent with the regional population, housing, and employment forecasts identified by the Southern California Association of Governments (SCAG) are considered to be consistent with the AQMP growth projections, since the forecast assumptions by SCAG form the basis of the land use and transportation control portions of the AQMP. Since SCAG's regional growth forecasts are based upon, among other things, land uses designated in City general plans, a project that is consistent with the land use designated in a City's general plan will also be consistent with the SCAG's regional forecast projections, and thus also with the AQMP growth projections. The Final EIR concluded that the Project will be consistent with the Regional Center Commercial land use designation for the Project Site in the Central City Community Plan, which is part of the Land Use Element in the City of Los Angeles General Plan. In addition, the proposed uses associated with the Project will be consistent with the land uses that are permitted in the C2 and C4 zones where the Project Site is located. Thus, development of the Project will be consistent with the land use designated in the City's General Plan, and the Project will not exceed the 2007 AQMP population, housing, and employment projections and will not jeopardize attainment of the air quality conditions projected in the 2007 AQMP. The Final EIR further concluded that the projected growth in population, housing, and employment introduced by the Project will be within SCAG's anticipated growth for the City.

As the Project will be consistent with the underlying assumptions of the SCAQMD's 2007 AQMP and will not cause or worsen an exceedance of an ambient air quality standard, the Project is concluded to be consistent with that plan. This impact will be less-than-significant.

(h) Land Use Equivalency Program

(i) Construction

Although the Land Use Equivalency program allows proposed land uses to be exchanged for other permitted land uses at the Project Site, the equipment mix and their respective operating hours for each of the various construction activities (e.g., demolition and abatement, shoring and tiebacks, excavation and export, garage construction, hotel construction, office construction, etc.) will remain the same. As such, while the overall duration of construction work associated with the future development of land uses under the Land Use Equivalency Program may potentially be longer than the Project depending on what land uses are exchanged, the peak day regional and localized construction emissions for each of the required construction activities will be essentially the same as for the Project. Therefore, construction phase mass daily emissions of VOCs, CO, SOx, PM10 and PM2.5 will be less-than-significant with implementation of the Land Use Equivalency Program.

An extended construction phase may increase the potential chronic health impacts (cancer risks and chronic HI). However, since the cancer risk and non-cancer chronic HI estimates are proportional to exposure (in this case, the product of the duration of construction activities and the intensity of activity), significance thresholds will not be exceeded unless the construction duration were increased by over 50 percent, which is not anticipated even under the worst-case scenario, as the exchange of land uses that could occur under the Land Use Equivalency Program, coupled with the constraint of site size, will not physically allow construction of buildings on the Project Site that will increase construction duration to this extent. Therefore, construction phase cancer and non-cancer health risks will be less-than-significant with implementation of the Land Use Equivalency Program.

Even though these impacts will be less-than-significant, Mitigation Measure MM-1 has been adopted to further ensure that cancer and non-cancer health risks due to construction emissions generated by heavy-duty diesel-powered equipment would remain less-than-significant.

(ii) Operations

As discussed in Section II (Project Description) and Appendix II.2 of the Draft EIR, the Land Use Equivalency Program has been structured to include rules designed to ensure that no exceedances of SCAQMD thresholds for regional operational emissions will occur as a result of land use exchanges that will be permitted under the Land Use Equivalency Program. Therefore, implementation of the Land Use Equivalency Program will result in less-than-significant impacts with respect to regional operational emissions.

The sources of localized emissions with the potential to exceed the SCAQMD LSTs include natural gas usage, landscape maintenance equipment, mobile sources, helicopters and on-site broilers. The Final EIR concluded that emissions associated with the operation of landscape maintenance equipment, helicopters and on-site broilers are not expected to change as a result of any land use exchange permitted under the Land Use Equivalency Program. Because the net daily localized operational emissions of all criteria pollutants are well below the applicable LSTs, increased emissions from mobile sources and natural gas usage will not have the potential to cause these thresholds to be exceeded. Therefore, implementation of the Land Use Equivalency Program will

result in less-than-significant impacts with respect to localized operational emissions.

The Final EIR concluded that the Project will actually result in a reduction in the cancer and non-cancer health risks, and that given that fact, that implementation of the Land Use Equivalency Program will not result in any change that will increase these risks above the thresholds of significance. Therefore, implementation of the Land Use Equivalency Program will result in less-than-significant cancer and non-cancer health risks.

CO impacts for the Project were determined based on afternoon peak hour traffic generation. Since the Land Use Equivalency Program were also determined based on afternoon peak hour traffic generation rates, implementation of any different land use scenario under the Land Use Equivalency Program will result in the same or less afternoon peak hour traffic generation as the Project. As a result, implementation of the Land Use Equivalency Program will result in the same less-than-significant, or lower, CO concentrations as the Project.

(i) Design Flexibility Program

The Design Flexibility Program could result in changes to the location of the structures on the Project Site as compared to those identified in the conceptual plan. However, regardless of the placement of buildings on the Project Site, the construction and operational emissions for the Project will result in the same less-than-significant impacts found previously. The land uses on the site will not change under the Design Flexibility Program, and any potential variations will not alter the character of the Project. As the Project under the Design Flexibility Program will still have the same proposed land uses as well as the same proposed square footages for each proposed land use, the overall construction activities that will be required for the Project under the conceptual plan will also apply to the Design Flexibility Program. In turn, the resulting regional and localized construction emissions generated under the Design Flexibility Program will not be greater than those identified previously in this section for the Project, and the impacts will be the same. Additionally, as the proposed land uses at the Project Site will not change under the Design Flexibility Program as compared to those identified in the conceptual plan, both the regional and localized operational emissions identified for the Project under the conceptual plan will also remain the same for the Design Flexibility Program. Therefore, the Design Flexibility Program will result in the same less-than-significant air quality impacts discussed in this Section of the CEQA Findings.

(j) Incorporation of LEED Systems

In pursuing LEED certification, the Project may incorporate advanced technology LEED systems such as a co-generation system and a direct fired absorption chiller. Combustion of natural gas will occur with the use of these systems, which will in turn lead to air emissions. However, waste heat generated from the systems could be utilized for space heating and domestic water heating and thereby reduce natural gas use from boilers.

The Final EIR analyzed the net regional and local operational emissions from the LEED systems at the Project Site, and, in addition, the health impacts from the use of the LEED systems. This analysis concluded that the use of LEED

systems will not result in net operational emissions that will exceed the applicable regional or localized SCAQMD criteria pollutant thresholds or health impact thresholds. Therefore, the impacts from the use of LEED systems will be less-than-significant.

B. **Biological Resources**

Description of Significant Effects. The Initial Study found that the Project will result in no impact with regard to (1) loss of individuals or habitat of state or federal listed endangered or otherwise protected species; (2) interference with wildlife movement/migration corridors; alteration of existing wetland habitat; or (3) interference with habitat such that normal species behaviors are disturbed. Further, as the Final EIR concluded, implementation of the Project will not cause significant impacts with respect to loss of individuals or the reduction of existing habitat of a locally designated species or plant community. Nonetheless, Project Design Feature PDF-1 has been incorporated into the Project to reduce the Project's less-than-significant impacts. Moreover, Mitigation Measures MM-1 through MM-3 have been provided to further reduce the Project's less-than-significant impacts.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding. Based on the results of the Initial Study, the only impacts that require further analysis relate to the impacts on trees. Implementation of project design features and mitigation measures reduce any potential impacts to trees to a level of insignificance.

(a) Trees

(i) Construction

The City of Los Angeles has adopted an ordinance (Ordinance No. 177,404) that identifies five tree species as protected within the City. There are 40 trees within or immediately surrounding the Project Site. Of the 40 trees, 28 are located on the Project Site and 12 are located along the surrounding streets within the City right-of-way. None of the Project Site's trees were identified as protected species in the City of Los Angeles. Similarly, none of the tree species on-site were identified as endangered or threatened under the Federal Endangered Species Act or the California Endangered Species Act. However, development of the Project will remove all 40 on-site and street trees inventoried during the construction phase of the Project.

Tentative Tract Map Guidelines require that the Project replace the 28 impacted trees on-site with a minimum of 28, 24-inch box trees. The *Tree Inventory and Assessment* recommends over-planting these trees by 10 percent for a total of 31 replacement trees on-site. Similarly, a total of 24, 24-inch box trees are required on the Project Site or City right of way to replace the 12 impacted trees on the City right of way. The *Tree Inventory and Assessment* also recommends over-planting these trees by 10 percent for a total of 27 trees. In total, the *Tree Inventory and Assessment* recommends that 58, 24-inch box trees be planted as part of the Project to replace those trees removed. Implementation of PDF-1, which will plant a minimum of 58 trees to replace the 40 trees that will be removed, will reduce the impacts to the trees to a level of insignificance.

Further reducing any potential impacts to a level of insignificance, the Project contains Mitigation Measures MM-1 through MM-3 to ensure that the proposed signage on the Project does not interfere with surrounding biological resources.

(b) Land Use Equivalency and Design Flexibility Programs

The Project will include a Land Use Equivalency Program to maintain flexibility of Project uses and floor areas so that the Project could respond to the changing needs of the Southern California economy. The exchange of office/commercial, retail, hotel, and/or residential uses will be accomplished within the same building parameters and the overall character of development will be essentially the same as with the Project. Since the site conditions will not change from what was previously analyzed, the Land Use Equivalency Program will have no impact on biological resources. Moreover, design of the Project as a conceptual plan allows for flexibility in the finalized building design within a determined set of parameters. All trees will be removed and replaced in the same manner as described previously, regardless of the flexibility options under the Design Flexibility Program. Therefore, impacts related to biological resources with the uses that could occur under the Land Use Equivalency Program and the Design Flexibility Program, will be less-than-significant.

C. **Climate Change**

Description of Significant Effects. As the Final EIR concluded, the Project will not cause significant impacts with respect to climate change. Project Design Features PDF-1 through PDF-5 are adopted to further reduce the Project's less-than-significant impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

There are no established quantitative thresholds to evaluate project-level impacts associated with GHG emissions. Therefore, the Final EIR used as a threshold the Project's consistency with the goals of AB 32 to quantitatively assess the significance of potential project-level impacts associated with GHG emissions.
The Final EIR determined the significance of the Project's impacts on global climate change by estimating the net increase in greenhouse gas (GHG) emissions that the Project will generate, based on a technical report prepared by ENVIRON International (see Appendix IV.O to the Draft EIR). However, the emission of GHGs from any one project into the atmosphere is not itself an adverse environmental effect; rather, it is the increased global accumulation of GHGs in the atmosphere that may result in global climate change. The consequences of that global climate change can cause adverse environmental effects. Due to the complex physical, chemical, and atmospheric mechanisms involved in global climate change, it is not possible to predict with any accuracy the specific environmental impact, if any, to global climate change from one project's relatively small incremental increase in emissions. Given the global nature of GHG impacts, it is also difficult to determine which emissions from a given project are "new" on a global scale. For the Project, trips associated with both residences and commercial growth were conservatively treated as new,

which likely resulted in an overestimation of the "new" emissions associated with the Project.

(a) Greenhouse Gas Emissions (GHG)

(i) Construction

During construction, GHG emissions will result from equipment usage, worker trips, hauling trips, electricity use, water use, and the disposal of solid waste. The emissions factors for each of these sources were used to estimate Project construction GHG emissions based on the type and duration of construction activities. The Project's construction-phase GHG emissions will cease upon the completion of construction.

The Final EIR concluded that construction of the Project will result in one-time GHG emissions of approximately 63,793 tonnes of carbon dioxide equivalents (CO2e) per year. Because these GHG emissions will cease upon completion of Project construction, they were annualized assuming a 40-year development life. The annualized construction emissions account for approximately 1,595 tonnes of CO2e per year.

(ii) Operations

The GHG emissions that will result from operation of the Project were analyzed as emissions that will occur annually.

The Project's main operational sources of GHG emissions were analyzed in the Final EIR, and included construction activities, and operational activities, including GHG emissions from energy use in residential units and commercial buildings, mobile sources, infrastructure sources, area sources, solid waste emissions and the helistop operations. The Project's GHG emissions were calculated taking into account existing regulations, such as the 2010 Renewable Portfolio Standard (RPS) and Pavley standards, which are aimed at reducing GHG emissions. The Project's GHG emissions were then compared to two scenarios to determine their significance.

First, the Project's GHG emissions in 2020 were compared to the Project's hypothetical emissions under CARB's No Action Taken (CARB 2020 NAT) scenario. The Project's GHG emissions under the CARB 2020 NAT scenario are estimated as the GHG emissions that will have been generated from the Project development without the project design features committed to by the Applicant to reduce energy consumption and without the regulations that have been promulgated to comply with AB 32, or as described previously, the Project's emissions if the Project were built in accordance with the CARB 2020 NAT scenario. This comparison determines the significance of the Project's GHG emissions by evaluating whether the Project is consistent with AB 32's 2020 emissions reduction goal as determined by CARB, that is, whether the Project will achieve GHG emission reductions of 28.5 percent as compared to its CARB 2020 NAT Scenario, or "business-as-usual," as required by AB 32

Second, the Project's GHG emissions in 2020 were also compared to the 2020 emissions that will be associated with the existing structure in order to determine

the net increase in emissions generated by the Project as compared to the existing structure.

Emissions of GHGs were calculated for the existing buildings and for the projected future uses with implementation of the Project. The Final EIR calculated that the Project's residential uses will generate approximately 216 tonnes of CO2e a year under the 15 percent improvement over 2005 Title 24 Standards scenario and 219 tonnes of CO2e a year under the 2008 Title 24 Standards scenario. The Project's commercial uses will generate 17,268 tonnes of CO2e emissions per year under the 15 percent improvement over 2005 Title 24 Standards scenario and 18,283 tonnes of CO2e a year under the 2008 Title 24 Standards scenario. In addition, the Project's mobile sources will generate 14,398 tonnes of CO2e emissions per year, its infrastructure sources will generate 7,636 tonnes of CO2e emissions per year, its area sources will generate 2.64 tonnes of CO2e emissions per year, its solid waste sent to a landfill will generate an estimated 5,114 tonnes of CO2e emissions per year, and the helicopter emissions associated with the Project will result in 162 tonnes of CO2e emissions per year.

(b) Summary of Project Impacts

Overall, the combination of the annualized construction emissions (1,595 CO2e) and the annual emissions associated with the operation of the Project (45,158 CO2e) will result in GHG emissions of approximately 46,753 tonnes of CO2e per year. By comparison, the Project if developed in accordance with the CARB 2020 NAT scenario will have resulted in GHG emissions of approximately 68,193 tonnes per year. Therefore, the Project will be approximately 31.4 percent more efficient than the CARB 2020 NAT scenario, and is more energy efficient than the 28.5 percent reduction of GHG emissions required by AB 32. Moreover, while the Project already results in a greater improvement (over the CARB 2020 NAT Scenario) than necessary to achieve AB 32's mandates, upon implementation of existing and anticipated legislative and regulatory mandates, actual emissions associated with the Project will likely be lower. Therefore, the Project will not result in a significant impact with respect to climate change.

As compared to the Project's GHG emissions of approximately 46,753 tonnes of CO2e per year, in 2020 the existing development would result in GHG emissions of approximately 29,227 tonnes of CO2e per year. Therefore, the Project will result in a net increase of approximately 17,526 tonnes of CO2e annually. There is currently no threshold or standard by which the significance of this net increase can be judged. However, since the Project will result in a greater reduction in GHG emissions as compared to the CARB 2020 NAT scenario than required by AB 32, the Project's net emissions are concluded to have a less-than-significant impact on climate change.

(c) Land Use Equivalency Program

The comparison between the Project and the CARB 2020 NAT scenario was qualitatively evaluated for the Land Use Equivalency Program. The differences between the Project inventory and the CARB 2020 NAT scenario would reflect the changes in building energy due to the exchanges in the Equivalency Program. The trip generation rates would not increase under any scenario in the Land Use Equivalency Program, and Air Quality emissions have been evaluated

and used to set development limits for the Program (see Appendix II.2, Land Use Equivalency Program Technical Report, to the Draft EIR). The traffic mitigation features of the Project will not change and the Project's energy efficiency commitments for the built environment will be implemented under any of these scenarios, exceeding 2005 Title 24 by 15 percent. The regulatory programs (Pavley and RPS) will also still apply to these Land Use Equivalency scenarios. Since the primary project design features and regulatory programs that help reduce the Project emissions compared to the CARB 2020 NAT scenario will not change, it is expected that each Land Use Equivalency scenario emission inventory will show similar reductions compared to its corresponding CARB 2020 NAT scenario as that estimated for the Project.

(d) Design Flexibility Program

Regardless of the layout and design of development that will occur at the Project Site, the Project Site will produce the same climate change related emissions as were analyzed in the Final EIR. Changes to the conceptual plan as they pertain to site design will not result in any new or increased impacts related to climate change. Therefore, impacts related to climate change under the Design Flexibility Program will be less-than-significant.

D. **Cultural Resources: Historic, Archaeological and Paleontological Resources**

Description of Significant Effects. The implementation of the Project will not cause significant impacts with respect to historic, archaeological or paleontological resources. No project design features related to cultural resources are proposed. No significant impacts related to cultural resources have been identified. Nonetheless, Mitigation Measures MM-1 through MM-6 have been provided to further reduce the Project's less-than-significant impact.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Historic Resources

As described in the Environmental Impact Report, there are 207 historic resources within a half-mile radius of the Project Site, although the Wilshire Grand Hotel and Centre is not part of a historic district. The Wilshire Grand Hotel and Centre building is the only existing building on-site and it expands across an entire City block. The Project is consistent with the character of the highly developed and urban area where it will be located and that already surrounds the historic resources in the Project vicinity. Therefore, the Project will have a less-than-significant impact on historic resources in the vicinity of the Project Site. The Wilshire Grand Hotel and Centre is not a designated landmark on the local, state, or federal level, nor has it been evaluated as significant in past historic surveys. Therefore, the Project will have no impact on historic resources on the Project Site.

(b) Archaeological Resources

There are no known archaeological sites within the Project Site. However, excavations anticipated for the Project will be those associated with subterranean parking, foundations, and utilities installation, thereby creating the potential to disturb any existing, but undiscovered, archaeological resources. Further, while there is no evidence that human remains are located on the Project Site, there is a possibility that the construction phase of the Project could encounter previously interred human remains. Therefore, the Project's impacts on archaeological resources will be potentially significant. However, with implementation of Mitigation Measures MM-1 through MM-3, the impact to archaeological will be reduced to a level of less-than-significant.

(c) Paleontological Resources

There are no known paleontological sites within the Project Site. Furthermore, the Project Site is not located in an area designated by the *City of Los Angeles General Plan Framework Element EIR* or the Environmental and Public Facilities Maps of the Department of City Planning as a paleontological site or survey area. However, excavations are anticipated for the Project for subterranean parking, foundations, and utilities installation, thereby, creating the potential to disturb any existing, but undiscovered, paleontological resources. Therefore, the Project's impacts on paleontological resources will be potentially significant. However, with implementation of Mitigation Measures MM-4 through MM-6, the impact to paleontological will be reduced to a level of less-than-significant.

(d) Land Use Equivalency Program

As described in Section II (Project Description) of the Final EIR, the Project includes a Land Use Equivalency Program to maintain flexibility of the Project uses and floor areas so that the Project could respond to the changing needs of the Southern California economy. The exchange of office/commercial, retail, hotel and/or residential land uses will be accomplished within the same building parameters, and the overall character of development will be the same as under the Project. Thus, development under the Land Use Equivalency Project will have a less-than-significant impact on historic, archaeological and paleontological resources.

(e) Design Flexibility Program

The design of the Project as a conceptual plan allows for flexibility in the finalized building design within a determined set of parameters as shown in Condition 6 and Exhibit D. Regardless of the type of development that occurs at the Project Site, the Project Site will be subject to the regulations discussed in the Final EIR, Section IV.H, regarding the discovery of historic, archaeological and paleontological resources. Therefore, development on the Project Site under the Design Flexibility Program will have a less-than-significant impact on historic, archaeological and paleontological resources.

E. **Environmental Hazards and Safety**

Description of Significant Effects. As the Final EIR concluded, the Project will not cause significant impacts with respect to environmental hazards and safety. Nonetheless, to further ensure that the Project's impact regarding environmental

hazards and safety will be less-than-significant, Project Design Features PDF-1 through PDF-8 have been incorporated.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding. The Project Site contains sources of hazardous materials or potentially hazardous materials that could be encountered during the Project's construction and operation phases. However, as discussed thoroughly below, project design features that have been incorporated into the Project reduce any potential impact to a level of insignificance.

(a) Potential Hazards

(i) Construction

In 1998, two 10,000 gallon diesel underground storage tanks (USTs) were abandoned in-place at the Wilshire Grand Hotel and Centre. In addition, wastewater from three boiler sumps is collected in the boiler room on the bottom level of the underground parking area and is pumped from the sumps to two injectors located beneath the flooring of the boiler room before being discharged to the sewer system. Historically, some wastewater associated with boiler operations has contained heavy metals and petroleum products. Construction activities will involve soil excavations of up to approximately 70 feet below ground surface, which is approximately 40 feet below the deepest portion of the existing Wilshire Grand Hotel and Centre subterranean parking area. Based on the presumed age of the sumps and the USTs and the fact that historical contents may have included heavy metals and or petroleum products, it is possible that the soil near the sumps and UST could contain contamination, which could pose a threat to construction workers through direct contact and also to the environment if not segregated and disposed of in accordance with state and federal laws. To ensure that potentially contaminated soil will be identified and handled and disposed properly, soil samples will be collected as described in PDF-1, which will reduce any potential impacts to a level of insignificance.

The Project Site is located in a former oil production area. The Project Site is outside the methane zone and methane buffer zones presented on the map generated by DPW and dated 2006 that mandates implementation of methane mitigation measures. Although methane gas is not toxic, it is combustible and potentially explosive in the presence of oxygen at concentrations above 53,000 parts per million, also referred to as the Lower Explosive Limit. The presence of methane gas in the subsurface is common within former oil production areas, and gas was reported at up to 16 percent of its Lower Explosive Limit or approximately 8,000 parts per million in the open boreholes. Thus, prior to construction, methane gas concentrations and subsurface pressures will be measured as described in PDF-2 and PDF-3. Incorporation of PDF-2 and PDF-3 will reduce any potential impacts from methane gas to a level of insignificance.

The Wilshire Grand Hotel and Centre building was constructed before asbestos was generally phased out of use in most building material applications in the 1980s. As such, it is presumed that asbestos-containing materials ("ACMs") are present at the facility. Prior to demolition of the existing structure, a demolition-level asbestos survey will be conducted at the Project Site to identify asbestos containing materials as described in PDF-4. Destructive samples will be

collected of all suspected materials such as floor and ceiling tiles, insulation materials, roofing materials, and dry wall joint compound. If ACMs are detected, a licensed asbestos abatement contractor will be retained to remove all ACMs from the Project Site during the Project's demolition phase. Through the incorporation of PDF-4, a demolition-level asbestos survey, potential impacts from asbestos-containing materials will be reduced to a less-than-significant level.

The sixteen non-dry transformers identified as associated with the Wilshire Grand Hotel and Centre have undergone multiple rounds of polychlorinated biphenyls testing, and two have indicated polychlorinated biphenyls levels above 50 parts per million (threshold below which materials are classified with "Non-polychlorinated biphenyls" status per USEPA regulations). Because of the date that the Wilshire Grand Hotel and Centre building was constructed, it is possible that hydraulic oils in equipment such as elevators and capacitors contain polychlorinated biphenyls. Therefore, in accordance with PDF-5, the suspected oils would be sampled, and the known polychlorinated biphenyl-containing transformers and any other polychlorinated biphenyl-containing oils would be handled and disposed of in accordance with state and federal laws during future demolition activities. Thus, the incorporation of PDF-5 renders any potential impact from polychlorinated biphenyls insignificant.

The Wilshire Grand Hotel and Centre building was constructed before the use of lead-containing paint was banned in the 1970s. Thus, prior to demolition of the existing structure, a lead-based paint survey will be conducted at the Project Site as described in PDF-6. If lead-based paint is detected, a licensed lead-based paint abatement contractor would be retained to remove all lead-based paint from the Project Site during the Project's demolition phase. Therefore, any potential impacts from lead-containing paint will be reduced to a level of insignificance.

Approximately 10,000 ballasts and nearly 20,000 fluorescent lights are present at the Project Site. In accordance with PDF-7, during demolition activities these materials will be collected and disposed in accordance with state and federal laws and not introduced into general construction debris, reducing any potential impacts from these materials to a level of insignificance.

The primary chemicals currently used at the Wilshire Grand Hotel and Centre include diesel fuel, oils, lubricants, greases, welding gases, boiler and cooling tower treatment chemicals, refrigerant chemicals, paints, swimming pool chemicals, salt, nonhazardous laundry detergents, and nonhazardous household cleaners. As described in PDF-8, all chemicals stored at the Wilshire Grand Hotel and Centre will be inventoried and disposed of in accordance with state and federal laws. With the incorporation of PDF-8 into the Project, any potential impacts from chemicals will be reduced to a level of insignificance.

Construction of the Project will involve the use of potentially hazardous materials including vehicle fuels, oils, and transmission fluids. However, all potentially hazardous materials will be contained, stored, and used in accordance with the manufacturers' instructions and handled in compliance with the applicable standards and regulations, such as those administered by the LAFD, OSHA, and CalOSHA. Through adherence to these regulatory guidelines, construction activities will not create a significant hazard to the public or environment through

the disturbance, removal, storage, or disposal of hazardous construction materials. As such, impacts associated with hazardous materials used during construction will be less-than-significant.

(ii) Operation

The Project involves the development of two hotel/residential/office buildings and additional amenities such as retail stores, restaurants, conference and meeting rooms, ballrooms, spa, and fitness centers that will include the use of hazardous materials for routine cleaning, maintenance, and landscaping in small quantities. All potentially hazardous materials will be contained, stored, and used in accordance with the manufacturers' instructions and handled in compliance with the applicable standards and regulations, such as those administered by the LAFD, OSHA, and CalOSHA. Through adherence to these regulatory guidelines, construction activities will not create a significant hazard to the public or environment through the disturbance, removal, storage, or disposal of hazardous materials. As such, impacts associated with hazardous materials used during operation of the Project will be less-than-significant.

(b) Land Use Equivalency

The Project will include a Land Use Equivalency Program, as detailed in Condition 8 and Exhibit D, to maintain flexibility of Project uses and floor areas so that the Project can respond to the changing needs of the Southern California economy. The Land Use Equivalency Program is designed to direct how development will occur on the Project Site and allow for flexibility so that land uses can be exchanged for other permitted land uses in accordance with the Land Use Equivalency Program. The exchange of office/commercial, retail, hotel, and/or residential uses would be accomplished within the same building parameters and the overall character of development would be essentially the same as with the Project and the Land Use Equivalency Program would have no effect regarding environmental hazards and safety.

(c) Design Flexibility Program

Moreover, the design of the Project as a conceptual plan allows for flexibility in the finalized building design within a determined set of parameters as detailed in Condition 6 and Exhibit D. Since the site conditions will not change from what was previously analyzed, the Design Flexibility Program will have no effect regarding environmental hazards and safety.

F. **Hydrology & Water Quality**

Description of Significant Effects. As the Final EIR concluded, the Project will not cause significant impacts with respect to surface or ground water hydrology or water quality. Project Design Features PDF-1 through PDF-19 are provided to further reduce the Project's less-than-significant impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Hydrology and Water Quality

(i) Construction

Demolition of the existing structure and Project construction are anticipated to occur over an approximately 54-month period and are expected to commence in 2011. Any interfering portions of the existing storm drain underneath Francisco Street will be removed and replaced as required.

The potential impacts of construction activities arise primarily as a result of sediment and certain non-sediment related pollutants. Construction-related activities that are primarily responsible for sediment releases are related to exposing soils to potential mobilization by rainfall/runoff, truck traffic, and wind. Such activities include grading of the site, and trenching and excavation for infrastructure improvements. Environmental factors that affect erosion include topographic, soil, and rainfall characteristics. Non sediment-related pollutants that are also of concern during construction include construction materials (e.g., paint, stucco, etc), chemicals, liquid products, and petroleum products used in building construction or the maintenance of heavy equipment, and concrete-related pollutants.

Potential impacts due to construction of the Project will be minimized through compliance with the National Pollutant Discharge Elimination System General Construction Activity Permit (Construction General Permit). As this permit and the County of Los Angeles Standard Conditions require, a Storm Water Pollution Prevention Plan (SWPPP), which must include erosion and sediment control Best Management Practices (BMPs) meeting or exceeding measures required by the Construction General Permit, as well as BMPs that control the other potential construction-related pollutants, will be developed and implemented. The Los Angeles Regional Water Quality Control Board (RWQCB) has inspection and enforcement authority for activities governed by the Construction General Permit. The Construction General Permit requires the SWPPP to include a menu of BMPs to be selected and implemented based on the phase of construction and the weather conditions. These BMPs are implemented to effectively control erosion and sediment and to protect water quality to the Best Available Technology/Best Control Technology (BAT/BCT). BMPs are selected based on Project risk level, which is evaluated based on two factors: 1) the sediment risk, and 2) the receiving water risk.

As required by the Construction General Permit and the general waste discharge requirements in the General Dewatering Permit, during all phases of construction, the Project will implement BMPs consistent with BAT/BCT standards. The Project will reduce or prevent erosion and sediment transport and transport of other potential pollutants from the Project Site during the construction phase through implementation of BMPs meeting BAT/BCT in order to prevent or minimize environmental impacts and to ensure that discharges during the construction phase of the Project will not cause or contribute to any exceedance of water quality standards in the receiving waters (see Table IV.L.2-9 in the Draft EIR). These BMPs will ensure effective control of not only sediment discharge, but also of pollutants associated with sediments, such as, but not limited to, nutrients, heavy metals, and hydrocarbons, if any. In addition, compliance with BAT/BCT requires that BMPs used to control construction water quality be updated over time as new water quality control technologies are developed and become available for use. Therefore, compliance with the

BAT/BCT performance standard ensures mitigation of construction water quality impacts over time to a less-than-significant level.

Construction of the Project may require temporary dewatering and non-stormwater related discharges. According to the geotechnical evaluation provided by MACTEC Engineering and Consulting, Inc. (refer to Draft EIR, Section IV.F [Geology and Soils] and Appendix IV.F), the perched groundwater is localized. Any dewatering activities and other construction related non-stormwater discharges will be handled in accordance with the requirements of the Construction General Permit. Full compliance with applicable local, state, and federal water quality standards by the Applicant, as required under existing law and regulation, will assure that potential impacts from dewatering discharges are not significant.

For all of these reasons, the impacts of construction-related runoff from the Project with respect to hydrology and water quality will be less-than-significant.

(ii) Operation

1. Surface Water

Drainage run-off flow rates and volumes will not be significantly changed when compared to the existing or ultimately proposed conditions. Hydrology conditions at the Project Site also will not change from the existing condition. Runoff from the Project Site will continue to drain to the two existing City storm drain systems via existing flow paths and drainage facilities. In addition, since the size of the tributary drainage area to each City storm drain system in the post-Project condition remains relatively unchanged from the existing condition, no increase in the runoff due to Project development will occur. Consequently, development of the Project will not cause on- or off-site flooding during the projected 50-year developed storm event, will not substantially reduce or increase the amount of surface water in a water body, or result in a permanent adverse change to the movement of surface water, and the capacity of the existing storm drain system will not be impacted. No detention of storm water run-off is required for hydrologic purposes. Therefore, Project impacts related to surface water hydrology will be less-than-significant.

The Final EIR concluded that the Project's predicted mean annual stormwater runoff volumes will remain approximately the same as the existing condition. Based on the LARWQCB's Basin Plan's beneficial uses and water quality objectives, the California Toxics Rule criteria, established Total Maximum Daily Loads (TMDLs), and current Clean Water Act Section 303(d) listings for the Los Angeles River Flood Control Channel, the surface water pollutants of concern were determined to include: total suspended solids (TSS), trace metals (total copper, total lead, and total zinc), pathogen indicators (fecal coliform bacteria), petroleum hydrocarbons, trash and debris, and nutrients. Because groundwater characterization of the Central Basin indicates that urban runoff has contributed to higher levels of nitrate-nitrogen in the upper portions of the aquifer within the forebay area, and the Project Site is located in the Central Basin forebay and could include potential sources in surface runoff, Nitrate-Nitrogen was selected as the sole groundwater pollutant of concern. The Project's consultant, Geosyntec, analyzed the Project's potential water quality impacts and prepared an expert report on which the Final EIR relied.

Based on the consultant's quantitative analyses, and based on the Project's site design, source control, and treatment control strategy, and the comparison with in-stream pollutant concentrations and the LARWQCB Basin Plan benchmark objectives, and, where applicable (nutrients), and TMDL wasteload limitations, the Final EIR concluded that the following pollutants of concern in stormwater runoff from the Project will not create pollution or contamination, or cause a nuisance or adversely affect beneficial uses in the receiving waters: total suspended solids (TSS), trace metals (total copper, total lead, and total zinc), and nutrients. Therefore, potential Project impacts associated with these pollutants of concern will be less-than-significant.

Based on the consultant's qualitative analyses, and based on the Project's site design, source control, and treatment control strategy, the Final EIR concluded that the following pollutants of concern in stormwater runoff from the Project will not create pollution or contamination, or cause a nuisance or adversely affect beneficial uses in the receiving waters: indicator bacteria, petroleum hydrocarbons, and trash and debris. In addition, the Final EIR concluded that because the sources of dry weather flows at the Project Site are limited, and because the Project will include source control and treatment BMPs in compliance with the Standard Urban Stormwater Management Plan requirements, the Construction General Permit, and the General Dewatering Permit that will further help to reduce the generation of and/or impacts from dry weather flows, the Project's potential impacts from dry weather flows will be less-than-significant.

Hydromodification impacts include accelerated stream erosion and changes to the riparian ecosystem. The Final EIR concluded that the Project's hydromodification impacts will be negligible. Surface runoff from the Project drains to the Los Angeles River Flood Control Channel and Ballona Creek, which are improved, concrete-lined flood control channels. Both the Los Angeles River Flood Control Channel and Ballona Creek have already undergone extensive permanent hydromodification, and due to the concrete armoring of the channel, accelerated stream erosion is not a concern. In addition, the Los Angeles County Department of Public Works interim peak flow standard to prevent accelerated stream erosion is applicable only to natural streams.

2. Ground Water

Because the Project Site is almost completely impervious, the site is not suitable for groundwater recharge; the Project will not change this condition. Therefore, the Project will not have a significant impact on groundwater hydrology.

The Project's impacts to groundwater quality from infiltration of surface runoff and landscape irrigation could occur through general infiltration of stormwater runoff that drains to pervious areas, infiltration of stormwater runoff that is directed to the Project landscaping and to bioretention planter boxes that are not enclosed or are designed to promote infiltration into the subsurface, and infiltration of irrigation supply water in the Project landscaping (potable water) in uncontained landscape areas. The Final EIR concluded that stormwater runoff that will be directed to Project landscaping and undeveloped pervious areas will generally have low nitrate concentrations, and that, with implementation of source controls, the nitrate concentration in storm runoff that discharges to groundwater will be

well below the groundwater quality objective (10 mg/L). It further concluded that the nitrate levels in the potable and recycled water (following required tertiary treatment) used to irrigate the landscaping will not create a significant infiltration impact on groundwater. Therefore, the Final EIR concluded that the Project's potential impact from infiltration of surface runoff and irrigation supply water on groundwater quality will be considered less-than-significant.

In addition, the Final EIR concluded that because the Project will have similar levels of impervious cover (approximately 92 percent) as the existing development, it will not cause a decrease in groundwater recharge due to an appreciable increase in impervious cover, and because of the presence of near surface bedrock that may restrict recharge to the regional aquifer, the Project's impact on groundwater recharge of surface runoff will be less-than-significant.

(b) Land Use Equivalency Program

Under the Land Use Equivalency Program, as detailed in Condition 8 and Exhibit D, the conditions of the Project Site will not change from those analyzed in the Final EIR. Because the exchange of office/commercial, retail, hotel, and/or residential uses will be accomplished within similar building parameters and the overall character of development will be essentially the same as with the Project, any exchange of land uses under the Land Use Equivalency Program will not result in any increased or additional impacts related to hydrology or water quality beyond those already identified. Therefore, the hydrology and water quality impacts under the Land Use Equivalency Program will be less-than-significant, similar to the Project.

(c) Design Flexibility Program

Since, under the Design Flexibility Program as detailed in Condition 6 and Exhibit D, the site conditions will be the same as for the Project, and the Project will be constructed within the same parameters as analyzed in the Final EIR, the Design Flexibility Program will have no effect regarding hydrology or water quality. Therefore, the uses that could occur under the Design Flexibility Program, as is the case with the Project, will result in less-than-significant impacts on hydrology and water quality.

G. **Land Use: Planning**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project will not cause significant impacts with respect to Land Use. No project design features related to land use plans and zoning are proposed. Mitigation Measure MM-1 has been provided to reduce the Project's signage impact to less-than-significant.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Regional Comprehensive Plan and Guide (RCPG)

The Project will conform to objectives set forth in the RCPG, including objectives provided in the Growth Management, Regional Mobility, and Housing Chapters.

The objectives that the Project will implement include those shown in Table IV.A.1-2 in the Draft EIR. Thus, the Project will be consistent with the RCPG and related land use impacts will be less-than-significant.

(b) Final 2008 Regional Comprehensive Plan (RCP)

The Project will conform to the goals set forth in the RCP, including goals related to regional growth, mobility, and sustainability as shown in Table IV.A.1-3 of the Draft EIR. Thus, the Project will be generally consistent with the Final 2008 RCP Goals and related land use impacts will be less-than-significant.

(c) Southern California Compass Blueprint Growth Vision

The Project is consistent with the four main principles of the Compass Growth Vision: to improve mobility for all residents; foster livability in all communities; enable prosperity for all people; and, to promote sustainability for future generations.

(d) Regional Transportation Plan

As shown in Table IV.A.1-4 (Consistency of the Project with the Applicable Goals of Regional Transportation Plan) of the Draft EIR, the Project will conform to the goals identified in the Regional Transportation Plan.

(e) City of Los Angeles General Plan Framework Element

As shown in Table IV.A.1-5 of the Draft EIR, the Project will conform to the objectives and policies identified in the various Elements of the General Plan. Therefore, the impacts of the Project's land uses will be less-than-significant as related to the General Plan.

(f) Central City Community Plan

(i) Consistency with Community Plan Land Use Designation

The Community Plan currently designates the Project Site for Regional Commercial land uses (see Figure IV.A.1-8 in the Draft EIR). The Regional Commercial land use designation allows for the construction of high-density commercial and multi-family residential uses. The Project will include a maximum of 560 hotel rooms and/or condo-hotel units, 100 residential dwelling units, 1,500,000 square feet of office uses, and 275,000 square feet of amenity areas. Thus, the Project conforms to the existing Regional Commercial land use designation of the Community Plan.

(ii) Consistency with Community Plan Policies

As shown in Table IV.A.1-6 of the Draft EIR, the Project will implement a number of Community Plan policies, including residential, commercial, open space and recreation, police protection, fire protection, schools/education, libraries, transportation, and urban design policies. As described in more detail in the Final EIR, the Project is requesting a maximum FAR 13:1 through TFAR, which will exceed the allowable-by-right base FAR of 6:1, but will be within the range of the provisions allowed and will be compatible with surrounding high-rise buildings

with FARs of up to 13:1. With approval of these application requests the Project will conform to the density requirements of Community Plan.

(g) Central Business District Redevelopment Plan

The Central Business District Redevelopment Plan expired on July 18, 2010. Thus, discussion of the Project's consistency with the Central Business District Redevelopment Plan is not included in these findings.

(h) Los Angeles State Enterprise Zone

The Project will participate in the incentives provided by the Los Angeles State Enterprise Zone, thereby supporting the program.

(i) Downtown Center Business Improvement District

The Project will contribute to and participate in the services, activities, and programs of the DCBID; thereby supporting the program.

(j) Downtown Adaptive Reuse Incentive Area

The Project Site does not currently provide any eligible buildings, which would be subject to the Adaptive Reuse Incentive.

(k) Consistency with Charter of the City of Los Angeles

The Project is consistent with an ordinance under consideration by the City that would have the effect of increasing the horizontal area utilized to calculate permitted floor area and thereby enable the purchase of additional floor area through the TFAR entitlement. Since the additional floor area will be acquired from a donor property located within the Central City Community Plan Area in which the Project Site is also located, the transferred floor area has already been anticipated and planned for by the Community Plan. With approval of the ordinances defining "buildable area" and the TFAR request, which will permit a total FAR of 13 times the buildable area, the Project will conform to the density requirements of Community Plan and the provisions of the Charter. Therefore, the Project's land uses will be consistent with the Charter.

(l) Consistency with City of Los Angeles Planning and Zoning Code Requirements

As shown in the Final EIR, the Project will be consistent with the following requirements of the Zoning Code: (i) permitted uses; (ii) setback requirements; (iii) height district; (iv) hotel requirements; (v) major development project; (vi) development agreement; (vii) open space; (viii) parking requirements; and, (ix) the Green Building Program (Ordinance 179,820).

With respect to sign regulations and policies, signage regulations set forth in the Signage Supplemental Use District (Figueroa and 7th SUD) will establish criteria for new identity elements of the Project. The SUD would set forth requirements governing the allowable sign types, locations, maximum size or coverage, hours of operation, and type of animation or controlled refresh for new signage. Signs would be limited in their hours of animation or controlled refresh as shown in

Table 1, prepared for the Sign District Ordinance. . All signage proposed under the Project would demonstrate compliance with the applicable provisions of the Outdoor Advertising Act (California Business and Professions Code, Section 5200 et seq), which requires a permit from the California Department of Transportation for the placement of an advertising display within 660 feet from the edge of an interstate highway right-of-way. In addition, Los Angeles Department of Transportation would also be consulted with the adoption of the (Figueroa and 7th SUD). Therefore, with the approval of the Figueroa and 7th SUD, Project impacts with respect to sign regulations and policies will be less-than-significant.

(m) City of Los Angeles Department of City Planning Downtown Design Guide

The Project will be designed to promote a livable downtown, which in turn would assist in advancing the key principles of the Downtown Design Guide which is to create a sustainable environment within the downtown area. The Project supports the Downtown Design Guide standards and guidelines by redeveloping an underutilized site with an urban infill mixed-use center, which maximizes allowable density adjacent to a regional transportation hub and within a jobs rich area, thus minimizing urban sprawl. The Project will concentrate new development and jobs near transit service, and includes pedestrian amenities in the form of a one-quarter acre outdoor plaza at the corner of 7th Street and Figueroa that provide outdoor areas for employees, guests, visitors, and residents. In addition, the Project will integrate a pedestrian scale design with first floor setbacks and arcades where appropriate, including a variety of textures, materials, signage, architectural, and landscape features appropriate to the Project Site, thereby, minimizing the effects of building mass and street walls in relation to street frontage. The proposed Figueroa and 7th SUD will generate a distinctive integrated and varied building façade that differentiates signage types based on height. Therefore, the Project will be consistent with the City of Los Angeles Department of City Planning Downtown Design Guide.

(n) City of Los Angeles Department of City Planning Walkability Checklist

The Project will integrate a pedestrian scale design with first floor setbacks and arcades where appropriate, including a variety of textures, materials, signage, and architectural features appropriate to the Project Site. The proposed arrangement of buildings and spaces emphasizes creating street walls with facades designed to promote pedestrian interest along primary street frontages and pedestrian sidewalks. Adjacent sidewalks will be continuous and straight or relatively straight and designed to be able to accommodate pedestrian flow and provide for pedestrian safety. Therefore, the Project will be substantially consistent with Walkability Checklist guidelines related to building frontage and sidewalks.

(o) Land Use Equivalency Program

As described in Section II (Project Description) of the Final EIR and detailed in Condition 8 and Exhibit D, the Project will include a Land Use Equivalency Program to maintain flexibility of Project uses and floor areas so that the Project could respond to the changing needs of the Southern California economy. The Land Use Equivalency Program is designed to direct how development will occur on the Project Site and allow for land uses to be exchanged for other permitted

land uses without resulting in any new significant impacts or a substantial increase in the severity of previously identified significant impacts as analyzed in this Final EIR. These exchanges would not substantially alter the overall character of the Project and will allow flexibility in the land use mix to address market conditions and the future needs of office tenants, and those who live and work at the Project Site. Therefore, the uses that could occur under the Land Use Equivalency Program, as would be the case with the Project, will be compatible with the existing plans and the planned densities, and impacts regarding the regulatory framework will be less-than-significant.

(p) Design Flexibility Program

As described in Section II (Project Description) of the Final EIR, the Project includes a Design Flexibility Program that allows flexibility in the finalized design and configuration of the Project within a determined set of parameters as detailed in Condition 6 and Exhibit D, As such, the land use entitlements for the Project encompass multiple configurations of the structures on the Project Site, so long as those configurations meet the standards set forth in the Design Flexibility Program. Regardless of the configuration, the land uses proposed on the Project Site will remain unchanged, and the mixed-use character of the Project will remain. Moreover, any configuration that is in compliance with the Design Flexibility Program will be compatible with the surrounding community and the impacts related to the regulatory framework will be less-than-significant.

H. **Land Use: Physical**

Description of Significant Effects. The implementation of the Project will not cause significant impacts with respect to Physical Land Use. Project Design Features PDF1 through PDF-13 have been provided to further reduce impacts from this Project.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Commercial Uses

The Final EIR analyzed impacts to commercial uses from the east, west, north, and south boundaries. On each of these boundaries, the development of future proposed high-rise buildings would provide a continuation of existing commercial office uses with building heights similar to those present off-site in the vicinity of the Project Site. The Project will also provide land uses and densities that will be compatible with the existing development in the immediate area. Additionally, none of the proposed land uses will in any way impair the functional patterns and uses associated with the surrounding commercial/retail and office uses. Therefore, Project development will not disrupt, divide, or isolate existing neighborhoods or communities and will have a less-than-significant impact with regard to physical land use in relation to surrounding commercial uses.

(i) Signage

Signage, of the types specifically described and detailed in the Final EIR,, as further limited and restricted by the Supplemental Use District regulations, will be

permitted along each of the Project boundaries and would be visible, to varied degrees, from the surrounding commercial uses. However, the signage would create a new significant node along Figueroa Street to create a visual link to the Convention Center and the Los Angeles Sports and Entertainment District. As such, the Project signage would not disrupt, divide, or isolate the existing surrounding commercial uses, and Project signage would have a less-than-significant impact on the surrounding commercial uses with respect to physical land use.

(b) Residential Uses

The Final EIR analyzed impacts to residential uses in the Project will include 100 residential dwelling units and 560 hotel rooms and/or condo-hotel units, which will be similar in function to the residential land uses located within a few blocks of the Project Site. The Project's introduction of hotel rooms and/or condo-hotel units, residential dwelling units, office uses, retail uses, restaurant uses, and other associated land uses will complement existing surrounding residential uses and none of the other components of the Project will prevent the nearby residential buildings from continuing their existing functions. Furthermore, due to the physical separation of the Project Site from the residential uses by both distance and intervening high-rise structures, the Project will be generally compatible with residential uses in terms of land use, density, and building height and will not disrupt, divide, or isolate the existing area. Thus, the Project will have a less-than-significant physical land use impact with respect to residential uses in the area.

(i) Signage

The Final EIR analyzed impacts to residential uses from signage when viewed from the north, east, south, and west boundaries. Signage, of the types specifically described and detailed in the Final EIR, as further limited and restricted by the Supplemental Use District regulations, will be permitted along each of the Project boundaries and would be visible, to varying degrees, from surrounding residential uses. However, overall signage will be viewed within the context of an urbanized Downtown Center with high existing levels of ambient light and would be viewed from a greater distance, which will limit the effects on residences located within the area. Therefore, as the distance between the Project Site and the residential buildings will only allow for intermittent views of the lower level signage, as described in the Final EIR, the signage aspect of the Project will not disrupt, divide, or isolate the residential buildings located south of the Project Site and impacts related to physical land use will be less-than-significant.

(c) Hotel and Private Club Uses

The Project will include 560 hotel rooms and/or condo-hotel units, which will be similar in function to the hotel land uses located within a few blocks to the east, south, and north of the Project Site. The Project's introduction of hotel rooms and/or condo-hotel units, residential dwelling units, office uses, retail uses, restaurant uses, and other associated land uses will complement existing surrounding hotel and private club uses and none of the other components of the Project will prevent the hotels and private club buildings from continuing their existing functions. Portions of the Project Site are already shielded from these

buildings by off-site uses; thus, the Project will not have a physical land use impact on the hotel and private club uses.

(i) Signage

The Final EIR analyzed impacts from signage to hotel and private club uses when viewed from the Project's north, east, south, and west boundaries. Signage, of the types specifically described and detailed in the Final EIR, as further limited and restricted by the Supplemental Use District regulations, would be permitted along each of the Project boundaries and would be visible, to varying degrees, from hotel and private club uses to the east, south, and north. However, the distance between the Project Site and the hotel and private club uses would only allow for intermittent views of the lower level signage. Project signage would not disrupt, divide, or isolate the hotel and private club uses and impacts related to physical land use would be less-than-significant.

(d) Public Uses

None of the components of the Project would prevent the Los Angeles Central Library and the associated Maguire Gardens and Pershing Square to the east from continuing their existing functions. Portions of the Project Site are already shielded from these public uses by off-site uses, which include mid- to high-rise towers along Flower Street and 6th Street. Thus, the Project would not have a physical land use impact on the public uses. Furthermore, due to the physical separation of the Project Site from these uses by both distance and intervening high-rise structures, the Project would not disrupt, divide, or isolate the existing area. Therefore, Project development would have a less-than-significant physical land use impact with respect to the public uses.

(i) Signage

With respect to Project signage, the Figueroa and 7th would permit signage that would be visible from The Los Angeles Central Library and the associated Maguire Gardens and Pershing Square. Because of the distance of the Project Site and the intervening high-rise buildings along Flower Street and 6th Street, it is not expected that signage located below the 150-foot level would be visible from this area. Because of restrictions on signage, as described in the Final EIR, and the limitations on views of the lower level signage, this aspect of Project signage would not disrupt, divide, or isolate the public uses and impacts related to physical land use would be less-than-significant.

(e) Land Use Equivalency Program

As described in Section II (Project Description) of the Final EIR, the Project would include a Land Use Equivalency Program to maintain flexibility of Project uses and floor areas so that the Project could respond to the changing needs of the southern California economy. Development under the Land Use Equivalency Program would occupy the same development areas as the Project and the overall character of development would be essentially the same as with the Project. Therefore, the relationship to surrounding downtown area would be the same under the Land Use Equivalency Program as with the Project, and would not divide the surrounding neighborhood, community or land use. As with the case of the Project, impacts regarding the relationship to the surrounding

community under all Land Use Equivalency Scenarios would be less-than-significant.

(f) Design Flexibility Program

As described in Section II (Project Description) of the Final EIR, the Project would include a Design Flexibility Program to allow flexibility in the finalized design within a determined set of parameters. Regardless of the design and placement of structures at the Project Site, the Project Site would be subject to the same land use actions described previously, and would be a compatible land use as described for the Project. The land uses on the site would not change under the Design Flexibility Program, and any potential variations would not substantially alter the mixed-use character of the Project. The Design Flexibility Program would result in a Project compatible with the existing plans and the planned densities, and impacts regarding physical land use would be less-than-significant.

I. **Light and Glare: Artificial Light and Glare**

Description of Significant Effects. The Project would have the potential to alter lighting patterns in the area of the Project Site. Impacts on specific light-sensitive receptors, specifically surrounding residential routinely usable outdoor spaces associated with commercial or institutional uses, would result from the Project. However, Project Design Features PDF-1 through PDF-6 and Mitigation Measures MM-1 through MM-14 would reduce impacts related to artificial light and glare as a result of the buildout of the Project to a level of less-than-significant.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Light and Glare

(i) Construction

Nighttime construction activities would add to the already high existing ambient light levels that are currently characteristic of the Project Site and immediately surrounding areas. Because of the existing light levels, the Project construction lighting would not represent a substantial change in artificial light conditions. Nighttime lighting sources during construction would consist of floodlights that would be focused on the work area to minimize light trespass. Furthermore, construction hours would generally only be between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday. As such, the Project construction lighting would not result in high-brightness illuminated surfaces that are directly visible from residential uses or other affected light-sensitive uses and would not result in substantial changes to existing artificial light conditions or interfere with off-site activities. Therefore, impacts related to construction lighting would be less-than-significant at these light-sensitive locations.

(b) Building Interior and Exterior Lighting

Interior and exterior lights on the Project Site would not shine directly onto any light-sensitive uses, and would not result in light trespass. The perception of this lighting source would be similar to that already provided by the existing on-site hotel use and surrounding mid- to high-rise buildings. Although additional lighting sources associated with the Project could add to the ambient glow of the Project Site and immediately surrounding uses, these light-sensitive areas are already characterized by high ambient light levels. Therefore, a change in brightness and light trespass would not occur, and the Project contributions to increased ambient glow would not likely be perceptible from these light-sensitive uses. Moreover, views of Project light sources within these light-sensitive uses are currently buffered by existing mid- to high-rise buildings in the area. Furthermore, light-sensitive residential uses are sufficiently distant that artificial light exposure from the Project would be minimal. As such, Project Site lighting would not result in high-brightness illuminated surfaces that are directly visible from residential uses or other light-sensitive uses, would not result in substantial changes to existing artificial light conditions, and would not interfere with off-site activities. Therefore, impacts related to the Project interior and exterior light sources would be less-than-significant at these locations.

(c) Signage

The field of view and views of the Project Site are limited by intervening development. Views of signage within Sign Level 1, height of up to 35 feet above ground level, would become increasingly intermittent as the elevation of the signage decreases because of the effects of intervening structures. As such, the Project signage would not result in high-brightness illuminated surfaces that are directly visible from residential uses or other affected light-sensitive uses and would not result in substantial changes to existing artificial light conditions or interfere with off-site activities. Impacts of lower-level Project signage would be less-than-significant from these locations.

Views of Sign Level 2 would be directly visible from certain residential buildings. However, the Integral Electronic Display signs permitted under the Project would introduce a new source of light, which could potentially affect nighttime views beyond the immediate area. To address this issue, the Project has placed regulations on timing, brightness, ground/interior spillage, light disbursement, and angle of movement. The combination of restrictions on the quantity and location of electronic, animated, and illuminated signage would reduce adverse effects to surrounding uses by limiting the intensity of light permitted to emit from the Project Site. These restrictions are identified in the mitigation measures and project design features, as further limited and restricted by the Supplemental Use District regulations, and as a result of the mitigation measures and project design features, impacts would be less-than-significant.

(d) Glare

The existing sources of daytime glare on the Project Site (i.e., façade windows, light-colored cars, car mirrors, and windshields) would be replaced with less reflective surfaces of building facades and windows, which have a transitory glare condition from certain perspectives during the day. All buildings, parking structures, and signage within the Project Site would be prohibited from the using highly reflective building materials such as mirrored glass in exterior façades. Examples of commonly used non-reflective building materials include cement,

plaster, concrete, metal, and non-mirrored glass, and would likely include additional materials as technology advances in the future. By design, signage does not include large areas of reflective elements, because they would detract from the visibility of the signage. As such, the Project would not include mid- to high-rise on-site buildings, signage, or thematic elements that incorporate substantial amounts of reflective building materials in areas that are highly visible to off-site glare-sensitive uses. Therefore, the Project impacts related to daytime glare would be less-than-significant.

(e) Land Use Equivalency Program

As described in Section II (Project Description) of the Final EIR, the Project would include the Land Use Equivalency Program to maintain flexibility of Project uses and floor areas so that the Project could respond to the changing needs of the southern California economy. The exchange of office/commercial, retail, hotel and/or residential uses would be accomplished within the same building parameters. This exchange in the use of buildings would occur at relatively limited locations within the Project Site. There would be no substantial variation in the Project's street configurations or relationship to the surrounding community. The development would be subject to the same design criteria (e.g., building height limits, setbacks, etc.) as the Project. Development under the Land Use Equivalency Program would occupy the same development areas as the Project and the overall character of development would be essentially the same as with the Project, including the provision of the Figueroa and 7th SUD. Therefore, light and glare impacts to surrounding downtown area would be the same under the Land Use Equivalency Program as with the Project. As with the case of the Project, impacts regarding artificial light and glare to the surrounding community under all Land Use Equivalency Scenarios would be less-than-significant.

(f) Design Flexibility Program

The design of the Project as a conceptual plan allows for flexibility in the finalized building design within a determined set of parameters. The Design Flexibility Program may result in certain uses being on different parts of the Project Site than those identified in the conceptual plan. However, regardless of the placement of buildings on the Project Site, or uses within those buildings, the light and glare impacts evaluated for the Project would not be significantly altered in such a way as to result in substantially different impacts. With implementation of the mitigation measures, impacts related to light and glare under the Design Flexibility Program would be less-than-significant.

J. **Light and Glare: Shade/Shadow**

Description of Significant Effects. The implementation of the Project would not cause significant impacts with respect to Shade/Shadow. No project design features related to shade and shadow are proposed. No significant impacts related to shade and shadow have been indentified, and no mitigation measures are required.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Project Impacts

(i) Summer Shadows

As detailed in the Final EIR, the Project would not cast shadows on shadow-sensitive land uses for more than four hours between 9 a.m. and 5 p.m. Furthermore, the concentration of mid- to high-rise buildings in the downtown area already create a unique shade/shadow environment, with shadows extending into the surrounding area during the early morning and late afternoon hours throughout the year. Therefore, the Project would not result in a significant shadow impact on these land uses during the summer equinox.

(ii) Winter Shadows

As detailed in the Final EIR, the Project would not cast shadows on shadow-sensitive land uses for more than three hours between 9 a.m. and 3 p.m. Furthermore, the concentration of mid- to high-rise buildings in the downtown area already create a unique shade/shadow environment, with shadows extending into the surrounding area during the early morning and late afternoon hours throughout the year. Therefore, the Project would not result in a significant shadow impact on these land uses during the winter equinox.

(iii) Spring Shadows

As detailed in the Final EIR, the Project would not cast shadows on these shadow-sensitive land uses for more than three hours between 9 a.m. and 3 p.m. Furthermore, the concentration of mid- to high-rise buildings in the downtown area already create a unique shade/shadow environment, with shadows extending into the surrounding area during the early morning and late afternoon hours throughout the year. Therefore, the Project would not result in a significant shadow impact on these land uses during the spring equinox.

(iv) Fall Shadows

As detailed in the Final EIR, the Project would not cast shadows on these shadow-sensitive land uses for more than four hours between 9 a.m. and 5 p.m. Furthermore, the concentration of mid- to high-rise buildings in the downtown area already create a unique shade/shadow environment, with shadows extending into the surrounding area during the early morning and late afternoon hours throughout the year. Therefore, the Project would not result in a significant shadow impact on these land uses during the spring equinox.

(b) Land Use Equivalency Program

As described in Section II on the Final EIR, the Project would include a Land Use Equivalency Program to maintain flexibility of Project uses and floor areas so that the Project could respond to the changing needs of the southern California economy. The exchange of office/commercial, retail, hotel, and/or residential uses would be accomplished within the same building parameters. There would be no substantial variation in the Project's street configurations or relationship to the surrounding community. The development would be subject to the same design criteria (e.g., building height limits, setbacks, etc.) as the Project.

Development under the Land Use Equivalency Program would occupy the same development areas as the Project and the overall character of development would be similar to the Project. Therefore, shade impacts to the surrounding downtown area would be similar under the Land Use Equivalency Program as with the Project and would be less-than-significant.

(c) Design Flexibility Program

The design of the Project as a conceptual plan allows for flexibility in the finalized building design within a determined set of parameters. The Design Flexibility Program may result in certain uses being on different parts of the Project Site than those identified in the conceptual plan. Regardless of the placement or location of buildings on the Project Site the shadow impacts evaluated for the Project would not be significantly altered in such a way as to result in significant impacts. Therefore, impacts related to shadows under the Design Flexibility Program would be less-than-significant.

K. **Noise and Vibration**

Description of Significant Effects. As the Final EIR concluded, the Project would not cause significant impacts with respect to noise or vibration. Nonetheless, Project Design Features PDF-1 through PDF-9 and Mitigation Measures MM-1 through MM-5 have been adopted to further reduce the Project's less-than-significant noise and vibration impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding. With respect to the Project's operational impacts to noise- and vibration-sensitive receptor locations, the Final EIR analyzed project-specific noise and vibration impacts due to off-site roadway traffic, on-site mechanical equipment, loading and parking facilities and outdoor entertainment facilities (i.e., outdoor plaza, restaurant outdoor dining areas and pool areas). With respect to the Project's construction impacts to noise- and vibration-sensitive receptor locations, the Final EIR analyzed specific noise and vibration impacts due to on-site and off-site construction activities and traffic.

(a) Construction

(i) On-Site Construction Noise

Noise impacts from Project construction activities occurring within or adjacent to the Project Site would be a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise sensitive receptors. Construction activities would occur over an anticipated 54 consecutive months, and would include site demolition, excavations and shoring, and building construction. Each stage of construction would involve the use of various types of construction equipment and therefore, each stage would have its own distinct noise characteristics. Site demolition generally involves the use of backhoes, front-end loaders, and heavy-duty trucks. Excavation and shoring typically requires the use of earth moving equipment, such as excavators, front-end loaders, and heavy-duty trucks. Building construction typically involves the use of cranes, forklifts, concrete trucks, and delivery trucks. Noise from construction

equipment would generate both steady-state and episodic noise that could be heard within and adjacent to the Project Site.

Project Design Feature PDF-1 prohibits the use of pile drivers. Project Design Feature 2 requires that a temporary six-foot-tall noise barrier wall be installed at the construction area along Francisco Street where construction trucks are lining up prior to entering the Project's construction site; the barrier would be placed on the top of the two-foot-tall K- rail that shall increase the effective height of the noise barrier to eight feet.

The Final EIR analyzed on-site construction noise impacts on affected sensitive receptors during each construction phase by calculating estimated noise levels at representative locations based on the FHWA Roadway Construction Noise Model User's Guide (RCNM), which is a report containing actual measured noise data for construction equipment. To more accurately characterize construction-period noise levels, the average (Hourly Leq) noise level associated with each construction stage was calculated based on the quantity, type, and usage factors for each type of equipment that would be used during each construction stage and are typically attributable to multiple pieces of equipment operating simultaneously. Information with respect to construction equipment that would be used was provided by the Project construction management consultant, Turner Construction (refer to Appendix IV.C.1 of the Final EIR).

The analysis concluded that the estimated construction-related noise levels at all off-site noise-sensitive receptor locations would be at or below the existing daytime ambient noise levels. Furthermore, at the receptors located 1,000 feet or greater from the Project Site (R6, R8, R9, R12 through R16, and R18), construction-related noise would be masked by the existing ambient noise levels.

Locations R0, R1, R2 and R3 are not considered to be noise-sensitive based on the City's definition of noise-sensitive uses, since they contain commercial land uses and limited outdoor uses (i.e., outdoor plazas). Therefore, the Final EIR reported construction-related noise levels at these locations for informational purposes, only. The Final EIR estimated that the noise would exceed the daytime ambient noise levels by up to 15 dBA at these locations. In response to a comment, the Final EIR also estimated interior noise levels that could be experienced at these locations. Using technical information regarding the level of sound attenuation provided by each of these buildings and their individual offices, the Final EIR assumed a minimum sound level attenuation of 35 dBA for "outdoor-indoor noise reduction" based on the sound engineering judgment and experience of the Project's expert noise and vibration consultant, Acoustical Engineering Services (AES). Based on those assumptions, and assuming maximum noise levels from construction equipment locating at the closest distance to the receptor, the Final EIR estimated the highest hourly Leq interior noise levels of between 50 to 59 dBA could occur at location R0, based on the estimated exterior noise levels of between 85 to 94 dBA during all phases of construction.

The Project's projected construction noise levels are consistent with the City of Los Angeles' Noise Regulations contained in the Los Angeles Municipal Code, LAMC Chapter XI Section 112.03 "Construction Noise" and LAMC Chapter IV Section 41.40 "Noise due to Construction, Excavation Work - When Prohibited". The only limitations on construction noise the City codes (LAMC Section 41.40)

impose in non-residential areas are on the hours of operations. The Project will comply with the City's requirements during construction and, therefore, will be consistent with the City's Noise Ordinance.

In response to comments, the Final EIR estimated noise levels from debris drops weighing less than 2,000 pounds based on certain assumptions. The estimation of human perception of vibration impacts from drops of debris weighing less than 2,000 pounds is subject to multiple technical challenges and limitations, including for example the composition and mass density of the object being dropped (concrete slab, concrete and steel, wall board, etc.), the acoustical characteristics of the landing surface (i.e., hard, soft,), the mass geometry of the debris piece that impacts the landing area, and how frequently debris would be dropped from each story during the demolition phase of construction.

Based on the available acoustical data and AES's sound engineering experience and understanding, the Final EIR concluded that the maximum exterior noise levels from debris drops weighing less than 2,000 pounds as experienced by receptor locations R0 through R18 (which include both non-sensitive and sensitive uses) would be consistent with the maximum noise levels generated during the demolition phase of the Project construction as estimated in the Final EIR (shown in Table IV.C-12 of the Draft EIR). Because these noise values were estimated based on an assumption that the landing surface area is a hard concrete slab, when in fact the Project's construction would actually provide for "softer" impact surface, these impact noise levels would be considered worse case noise levels that are higher than those expected to result from the actual landing area. Consistent with the conclusion of the Draft EIR, these impacts would be less-than-significant.

For all of the reasons stated above, Project impacts associated with on-site construction-related noise impacts would be less-than-significant. Even though these impacts would be less-than-significant, compliance with the recommended mitigation measures would ensure a further reduction of construction noise. Mitigation Measure MM-1 would preclude construction noise impacts from occurring during the noise-sensitive nighttime periods, or at any time on Sundays and national holidays, in compliance with the City of Los Angeles Noise Regulation. Noise level reductions attributable to Mitigation Measures MM-2 and MM-3, although not easily quantifiable, would ensure the noise impacts associated with construction activities would be reduced to the extent practicable.

(ii) Off-Site Construction Noise (Haul Trucks)

In addition to on-site construction noise sources, other major noise sources would include off-site noise sources such as construction trucks (delivery, concrete mix, and haul trucks) and construction worker vehicles. During Project Site excavation, the staging area for the haul trucks would be along Wilshire Boulevard and 7th Street. Haul trucks and delivery trucks would also access the site during other construction phases of the Project (e.g., demolition and building construction). Trucks would generally enter and exit the Project Site via Francisco Street, Wilshire Boulevard, 7th Street, Figueroa Street, via 5th and 6th Streets, to James M. Wood Boulevard to the Harbor Freeway. There are noise sensitive uses (i.e., hotel/residential uses on Figueroa Street), which have direct line-of-sight to the construction truck route.

The Final EIR analyzed noise levels from Project construction-related haul trucks during excavation to provide the most conservative assessment of off-site construction noise impacts. That analysis concluded that hourly average noise generated by construction trucks along the roadways leading to the Project Site would be approximately 67 dBA (Leq) during site demolition and excavation and 69 dBA (Leq) during building construction (concrete pour of foundation/garage), which would be consistent with the existing daytime hourly ambient noise levels of 66 – 74 dBA (measured ambient at R2, R8, R9, and R17) along the truck routes. In addition, construction truck traffic, with the exception of those rare occasions where continuous concrete pouring is required, would not occur during the noise-sensitive late evening and nighttime hours. As such, significant noise impacts would not be expected from off-site construction traffic and impacts would be less-than-significant.

(iii) On-Site Construction Vibration

Construction activities can generate varying degrees of groundborne vibration, depending on the construction procedures and the construction equipment used. The operation of construction equipment and debris drops during demolition generate vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receptor buildings. Unless heavy construction activities are conducted extremely close to the neighboring structures, groundborne vibrations from construction activities rarely reach the levels that damage structures. The effect on human perception varies depending upon distance and the type of construction of the building in which the receptor is located.

1. Construction Equipment

The Final EIR estimated vibration impacts to buildings from construction equipment based on the FTA's published standard vibration velocity levels (PPV) for construction equipment pieces that would be used during Project construction and distance to the buildings. Since the City has not adopted significance thresholds for vibration impacts to buildings, the Final EIR used thresholds based on FTA and Caltrans' standards, and concluded that even at the closest distance of 12 feet, vibration levels would be below the 0.5 inch per second (PPV) significance threshold. Therefore, construction equipment vibration impacts to buildings would be less-than-significant at the nearest off-site building structure.

In addition, the Final EIR analyzed specific vibration levels at the Mullen Building/Historic Fire Station No. 28, located approximately 75 feet from the Project Site at 644 South Figueroa Street, and at the existing Metro Red Line subway tunnels, located underneath 7th Street adjacent to the Project Site. The Final EIR concluded that Project construction activities would generate vibration levels up to 0.017 inch per second (PPV) at the Historic Fire Station No. 28, which is below the significance threshold of 0.25 inch per second (PPV) for historic buildings, and therefore less-than-significant. Assuming that the Project's excavation activities for the construction of the proposed subterranean garage would likely occur within five feet from existing Metro tunnel wall structure, the Metro Red Line subway tunnels would be exposed to vibration levels of up to 1.0 inch per second (PPV) during site excavation, which would exceed the

significance threshold of 0.5 inch per second (PPV) and be potentially significant. As the excavation construction activities move further away from the Metro tunnel structures (greater than five feet), the Project's construction induced-ground vibration would be below the significance threshold of 0.5 inch per second (PPV). Consequently, to reduce the potential vibration impacts to less-than-significant, Mitigation Measure MM-4 has been adopted, requiring compliance with the specific requirements of the Metro construction design manual (MTA Design Criteria and Standard, Volume III, Adjacent Construction Design Manual, Section 2.3 – 2.4, R92-DE303-3.00, Revision 9:02.02.99), when excavation is within 25 feet of the Metro subway tunnel.

The City has not adopted thresholds of significance for vibration impacts on human perception, and the estimation of human perception of vibration impacts is subject to multiple technical challenges and limitations. Moreover, actual annoyance levels cannot be determined because the actual level of annoyance experienced would vary depending on multiple factors that cannot be quantified, including for example each individual's specific tolerance level. Other factors include activities in which each individual is engaged, the vibration attenuation or amplifications provided by the structure in which the individual is carrying out the activities, the time of day, the level of the existing ambient vibration condition (non construction related) and the like. Therefore, significance conclusions would be too speculative.

Even so, the Final EIR reported the potential for human perception of construction equipment vibrations (VdB) at various representative distances from the construction activities. Based on guidance from the FTA as to levels of perceptibility, the Final EIR concluded that at a distance of 140 feet or greater, Project-related construction activities using large equipment such as a large bulldozer or caisson drilling would be below the level of perception at 65 VdB, which the FTA defines as perceptible but not "feelable." For smaller equipment, such as a jackhammer or small bulldozer, the groundborne vibration created by this equipment would be below the threshold of perception at a distance of approximately 75 feet. The highest levels were estimated at 87 VdB, which the FTA describes as "feelable," but not "distinctly feelable."

Further, in response to comments, the Final EIR reported projected vibration levels in VdB (RMS levels) at 12 feet (representing R0), 80 feet (representing R1), and 75 feet (representing R2), and 85 feet (representing R3) from the construction equipment operating (highest vibration generation equipment is used) on the Project Site, for an individual standing outside at the noted receptor locations during the time when the most vibration producing construction equipment (i.e., a large Bulldozer/ Caisson Drilling from Draft EIR Table IV.C-13) while equipment is operating. With respect to human perception, the estimated vibration levels due to the construction equipment at the nearest receptor location R0 would be in the distinctly feelable/perceptible category per FTA's (see Table IV.C-3 of the Draft EIR) and Caltrans' (see Table IV.C-6 of the Draft EIR) guidelines. At receptor locations R1, R2, and R3, the estimated vibration levels from the Project construction equipment would be below the barely feelable/perceptible category per FTA's and Caltrans' guidelines.

2. Debris Drops

The Final EIR also estimated groundborne vibration impacts to buildings and to human perception that would be generated from construction debris, falling onto the ground during site demolition activities. The analysis assumed that soft items, such as drywall, insulation, adhesives, etc, would be removed using bobcat tractors and deposited via a debris chute to one collection point (e.g. existing pool/courtyard area), that hard items, such as concrete and steel material would be taken down using excavators, backhoes, and/or a crane, and that any hard items weighing approximately 2,000 pounds or greater would be lowered to the ground using construction crane equipment. It further assumed that smaller construction pieces (i.e., less than 2,000 pounds) would occasionally be dropped down (from various floor heights up to the 16th floor) to the ground elevation at a predetermined collection point.

Estimating vibration levels as a function of drop height, weights, and distances from the point of impact to the receptor of the ground vibration, the Final EIR concluded that the highest vibration levels would result from drops of the heaviest debris (i.e., estimated 2,000 pounds) from the height of 16th floor to a landing surface near the Project property line. The groundborne vibration generated by this impact would reach maximum 0.65 inch per second (PPV) at the nearest off-site building (R0), which would exceed the 0.5 inch per second (PPV) significance threshold. However, at a distance of 100 feet from the point of impact, the groundborne vibration would be attenuated to below the 0.5 inch per second (PPV) threshold. Construction debris drop would occur approximately 165 feet from the Mullen Building/Historic Fire Station No. 28 (R2) and would generate vibration levels up to 0.27 inch per second (PPV), which would exceed the significance threshold of 0.25 inch per second (PPV) for historic buildings. Therefore, vibration impacts due to the construction debris falling would be significant at the nearest above-grade buildings. Consequently, Mitigation Measure MM-5 has been adopted, requiring that any debris weighing more than 2,000 pounds be lowered by crane, rather than dropped, and that construction debris drops shall be performed in accordance with Table IV.C-15 in the Final EIR, with the consideration given to the estimated drop weight and height, as required to maintain a maximum of 0.5 inch per second (PPV) at off-site receptors R0, R1, and R3 and a maximum of 0.25 inch per second (PPV) at off-site receptor R2.

Based on technical vibration information provided by Caltrans, the Final EIR concluded that vibrations at the Metro tunnel, located approximately 50 feet below grade (underneath 7th Street), due to debris drops would reach levels of up to 0.43 inch per second (PPV), which would be below the significance threshold of 0.5 inch per second.

The City has not adopted thresholds of significance for vibration impacts on human perception, and the estimation of human perception of vibration impacts is subject to multiple technical challenges and limitations. For example, vibration levels can vary depending upon the characteristics of the debris drops, including for example the composition and mass density of the object being dropped (concrete slab, concrete and steel, wall board, etc.), the acoustical characteristics of the landing surface (i.e., hard, soft,), the mass geometry of the debris piece that impacts the landing area, and how frequently debris would be dropped from each story during the demolition phase of construction. Moreover, actual annoyance levels cannot be determined because the actual level of annoyance experienced would vary depending on multiple factors that cannot be quantified,

including for example each individual's specific tolerance level. Other factors include activities in which each individual is engaged, the vibration attenuation or amplifications provided by the structure in which the individual is carrying out the activities, the time of day, the level of the existing ambient vibration condition (non construction related) and the like. Therefore, significance conclusions would be too speculative.

Even so, for informational purposes, the Final EIR reported the potential for human perception of debris drop vibration in both PPV and VdB at distances of 75 feet (representing R0), 100 feet (representing R1), 125 feet (representing R3) and 165 feet (representing R3) from the drop location on the Project Site, assuming conservatively that the landing surface area is a hard concrete slab, when in fact the Project's construction would actually provide for "softer" impact surface. With respect to human perception, the estimated vibration levels from debris weighing a maximum of 2,000 pounds falling at the nearest receptor locations R0, R1, R2 and R3 would be in the distinctly feelable/perceptible category per FTA's and Caltrans' guidelines.

For all of these reasons, vibration impacts associated with construction would be less-than-significant.

(b) Operation

(i) Off-Site Roadway Noise

The Final EIR analyzed potential noise impacts due to Project-related off-site traffic by estimating the increase in noise levels assumed with traffic volumes and comparative noise levels with existing conditions. Future roadway noise levels were calculated along 28 off-site roadway segments in the vicinity of the Project Site. The Project-related traffic noise impact was determined by comparing the increase in noise levels from the "future without project" (2020 baseline) to "future with project" (2020 baseline plus Project-related traffic) to the significance threshold. The 2020 baseline condition includes existing traffic volumes plus traffic volumes from future growth and known related projects volumes. The "future with project" includes the 2020 baseline plus the Project-related traffic.

The Final EIR concluded that the Project would result in a maximum of a 2.1 dBA increase in traffic noise along Francisco Street between 7th Street and Wilshire Boulevard. At all other study roadway segments, the increase due to Project-related traffic would be lower (less than 1.0 dBA), as Project-related traffic would disperse to various nearby roadways away from the Project Site. The incremental changes in Project-related traffic noise level would be negligible in the existing exterior noise environment. In addition, the change would be below the 3 dBA CNEL significance threshold, which is considered to be an increase barely perceptible to the human ear. For all these reasons, off-site traffic noise impacts associated with the Project would be less-than-significant.

The Final EIR also analyzed roadway traffic noise impacts based on an Alternate Traffic Impact analysis that used actual traffic counts conducted at the Project driveways that showed that the existing vehicle trips in and out of the Project Site were less than the ITE trip generation rate credit for the existing land uses on the Project Site discussed in the Transportation Study. Therefore, the Project-related traffic under this Alternate Traffic Impact analysis was assumed to be

greater than the traffic volume calculated above. This analysis showed that the Project-related traffic would result in a maximum of 1.6 dBA CNEL increase in traffic noise along Francisco Street 7th Street and Wilshire Boulevard, but that at all other analyzed roadway segments, the increase due to project-related traffic would be lower (less than 1 dBA). The increase in traffic noise levels due to the Project would be below the 3 dBA CNEL significance threshold. Therefore, off-site traffic noise impacts associated with the Project would also be less-than-significant, under the Project Alternate Traffic Impact scenario.

(ii) On-site Stationary Noise

1. Mechanical Equipment

The Project would include building services mechanical equipment to condition and ventilate the indoor air environment, such as air handling units, cooling towers, chillers, and exhaust-air fans to support the intended functions of the Project. The mechanical equipment would be enclosed and likely located within a mechanical room/central plant in the subterranean garage or the podium level, and the location of the cooling towers is proposed for the rooftop of the office building or the podium.

Project Design Feature PDF-3 requires that all mechanical equipment shall be enclosed and shall be designed not to exceed 63 dBA Leq (or 70 dBA CNEL) noise level at the Project Site property line so as to meet the requirements of LAMC, Chapter XI, Section 112.02, and that the building mechanical design shall be reviewed by a qualified acoustical consultant to ensure that the design shall meet these criteria. Limiting the Project's mechanical equipment noise to 70 dBA CNEL would result in a maximum increase of 2.3 dBA at the nearest receptor (R0), from 71.7 dBA CNEL to 74 dBA CNEL, which would be below the Project significance threshold of a 3 dBA CNEL increase. Noise levels at noise-sensitive receptors that are located farther away would be lower due to additional sound attenuation resulting from the greater distance and intervening buildings. Additionally, Project Design Feature PDF-8 requires that the design and construction of the Project comply with the Noise Insulation Standards of Title 24 of the CCR, which ensure an acceptable interior noise environment (45 dBA) for the hotel and residential uses of the Project.

Thus, impacts associated with mechanical equipment would be less-than-significant.

2. Loading Dock

The loading docks and trash/recycling areas for the Project would be located within the structure. Delivery and trash/recycling trucks would enter the structure from Francisco Street, and all loading/unloading would occur within the structure; none of these activities would occur outside of the proposed structure. Sources of noise associated with loading/unloading activities for the Project include engines, doors opening and closing, items being loaded into or unloaded out of trucks, dumping of garbage/recycling bins, and back-up beeping. Noises associated with these sources would be temporary and intermittent. All noises associated with the loading/unloading activities would be attenuated from off-site sources by the walls and other infrastructure of the proposed structure. In the event that the loading docks and trash/recycling areas would be located outside

of the enclosed parking structure, Project Design Feature PDF-7 requires that all outdoor loading docks and trash/recycling areas be fully or partially enclosed such that the line-of-sight between these noise sources and any adjacent noise sensitive receptor shall be obstructed.

No off-site sensitive receptors are located near the western boundary of the Project Site. Additionally, Project Design Feature PDF-8 requires that the design and construction of the Project comply with the Noise Insulation Standards of Title 24 of the CCR, which would ensure an acceptable interior noise environment (45 dBA) for the hotel and residential uses of the Project.

For these reasons, no substantial noise increases associated with the loading docks and trash/recycling areas would occur and Project impacts would be less-than-significant.

3. Parking Facility Noise Levels

The Project includes an up-to-eight-level subterranean parking structure that would be fully enclosed except for entrances from 7th Street and Francisco Street. Various noise events would periodically occur from the parking facilities including activation of car alarms, sounding of car horns, slamming of car doors, and tire squeals. Automobile movements would comprise the most continuous noise source and would generate a noise level of approximately 65 dBA at a distance of 25 feet. Car alarm and horn noise events would generate maximum noise levels of as high as 75 dBA at a reference distance of 25 feet. The subterranean parking facility would be fully shielded to the exterior and thus, would provide effective noise shielding to all on-site and off-site noise-sensitive receptors. Therefore, Project noise impacts associated with the subterranean parking facility would be less-than-significant.

In addition, the Project parking operation would include valet parking services located on the south side, along 7th Street. Typically, valet parking related noise levels are lower than those generated by the parking circulation. Noise sources associated with a use of valet drop off area include low speed traffic and car door closing. Noise levels generated by the valet parking area would be lower than the existing traffic noise and ambient noise levels, and would be similar to the noise levels generated by the existing valet parking service. Therefore, Project noise impacts associated with valet parking would be less-than-significant.

4. Outdoor Services

The Project would include an outdoor pool and bar, which would be located at the top of the podium structure or the rooftop of the hotel building, and an outdoor plaza, which would be at street level and oriented toward the corner of 7th Street and Figueroa Street. In addition to noise from use and activities, other potential noise associated with the outdoor pool, bar, and plaza would include amplified program sound (music or other sound broadcast through a loudspeaker system). This sound could be broadcast during the hours of 7:00 a.m. to 2:00 a.m. and could include, but is not limited to, music, television sound, and announcements intended to be heard by patrons in the immediate vicinity of the outdoor pool and bar and the outdoor plaza.

The closest off-site noise sensitive receptors to the outdoor pool and bar area are the multi-family residential receptors located approximately 500 feet to the northwest (R4) of the Project Site, where the existing ambient noise level is 68.6 dBA CNEL. Project Design Feature PDF-4 ensures that the amplified program sound not exceed the significance threshold (an increase of 3 dBA CNEL) at the off-site noise-sensitive receptors by limiting the amplified program sound planned for the outdoor pool and bar areas to a maximum 80 dBA (Leq (hr)) at a distance of 50 feet from the amplified sound system. The closest off-site noise sensitive receptor to the street level outdoor plaza would be the Jonathan Club (R17), which is located approximately 450 feet north of the Project Site, where the existing ambient noise level is 70.2 dBA CNEL. Project Design Feature PDF-5 requires that the amplified program sound at the outdoor plaza be designed to have a noise limit of a maximum 70 dBA (Leq [hr]) at a distance of 50 feet from the amplified sound system, to ensure that the amplified program sound would not exceed the significance threshold (an increase of 3 dBA CNEL) at the off-site noise-sensitive receptor. In addition, Project Design Feature PDF-6 requires that, for areas that include an outdoor amplified sound system, the podium and rooftop parapets be of solid panel construction to provide sound attenuation.

In addition to the amplified program sound, sound would be generated by the patrons at the outdoor pool and bar areas. It is anticipated that there would be up to 500 people gathering around the outdoor pool and bar areas at any given time. Based on distance attenuation and the noise reduction provided by Project Design Feature PDF-6, which requires that the podium or rooftop parapet be of solid panel construction, the Final EIR estimated that noise from patrons talking at the nearest off site noise-sensitive receptor (R4) would reach 44 dBA Leq. The overall noise from the outdoor services (including both amplified program sound and patrons talking sound) at the nearest off-site noise sensitive receptor (R4) would be 65 dBA CNEL, which would be below the existing ambient noise level of 68.6 dBA CNEL, and therefore less-than-significant.

With respect to all noise sources generated by the outdoor services, moreover, Project Design Feature PDF-8 requires that the design and construction of the Project comply with the Noise Insulation Standards of Title 24 of the CCR, which ensure an acceptable interior noise environment (45 dBA) for the hotel and residential uses of the Project.

Therefore, with implementation of the project design features, noise impacts associated with outdoor services would be less-than-significant.

(iii) Helistop

The Project would include a helistop on the rooftop of the new office building, at an elevation of approximately 1,368 feet relative to mean sea level (msl) or 1,090 feet relative to local grade elevations. Project Design Feature PDF-9 requires that the Project's helicopters use the flight paths recommended by the Project's consultant, Heliport Consultants (see Appendix IV.C.2 to the Draft EIR), unless a different path is required for safety precautions. These flight paths allow the helicopter to approach and depart the helistop along separate flight paths that follow the freeway in a northeast and southwest direction and avoid traveling over any residential and noise-sensitive areas.

Based on assumptions and recommendations made by Heliport Consultants, the

Final EIR estimated that CNEL noise levels generated by the proposed helistop operations at the 19 off-site noise receptors were estimated would range from 26.0 dBA CNEL at R15 (approximately 6,000 feet from the Project Site) to 44.7 dBA CNEL at R1 and R2 (adjacent to the Project Site), but would not contribute to a measurable increase in the ambient noise levels at any receptor location. Therefore, the helistop operations would cause no measurable increase over the existing ambient noise levels (CNEL levels) at the noise sensitive receptors, and the noise increase associated with the helistop operations would not exceed the significance threshold of a 1.5 dBA increase. In addition, Project Design Feature 8 requires that the design and construction of the Project comply with the Noise Insulation Standards of Title 24 of the CCR, which ensure an acceptable interior noise environment (45 dBA) for the hotel and residential uses of the Project. Therefore, the helistop would have a less-than-significant impact on land use compatibility.

The Final EIR also analyzed the helistop's impacts on sleep disturbance and speech interference by calculating the noise levels generated during a single aircraft event in terms of SEL and Lmax. This analysis concluded that the predicted SEL levels at the ground level at all receptor locations would be below the 94 dBA SEL threshold (for residential, hotel, and hospital uses), ranging from 72 dBA SEL at R15 to 91 dBA SEL at R1, R2, and R3. At the upper levels, with the exception of the existing office buildings at R0, R1, R2 and R3, which are not noise sensitive receptors, the predicted SEL levels are also below the 94 dBA SEL threshold. At all off-site residential, hotel, and hospital locations where potential sleep disturbance could occur, predicted SEL levels would be below the 94 dBA SEL threshold. Therefore, potential sleep interference impacts due to single-event noise from the proposed helistop would be less-than-significant.

With respect to the school sites, the Final EIR's analysis concluded that the Bell 206L, the noisier of the two models most likely to be used, would generate maximum noise levels of 54 dBA Lmax and 68 dBA Lmax at noise receptor locations R15 (9th Street Elementary School) and R18 (Miguel Contreras Learning Center and Evelyn Thurman Gratts Elementary School), respectively. The predicted Lmax levels at the school sites would be below the 80 dBA Lmax threshold (for school uses). Therefore, speech interference impacts due to Helistop operations noise would be less-than-significant.

(iv) Composite Noise Level Impacts from Project Operations

The Final EIR included an evaluation of composite noise levels, including all Project-related noise sources plus the existing ambient levels, to identify the potential maximum Project-related noise level increase that may occur at the noise-sensitive receptor locations. The overall sound environment at the areas surrounding the Project Site reflects contributions from each individual noise source associated with the typical daily operation of the Project. Principal on-site noise sources associated with the Project would include mechanical equipment, the parking facility, outdoor services, and the helistop. This analysis demonstrated that the Project would result in a maximum increase of 1.9 to 2.9 dBA CNEL at receptors adjacent to the Project Site (R0, R1, R2, and R3), none of which are noise-sensitive receptors, but that at all sensitive receptor locations, the Project's composite noise impacts would be less than 1 dBA. The increases in noise levels due to the Project at all off-site receptors would be negligible in the existing noise environment. In addition, the increases would be below the

significance threshold of a 3 dBA CNEL increase, which is an increase that is barely perceptible to the human ear. For all of these reasons, the composite noise level impacts due to the Project operation would be less-than-significant.

(v) Site Compatibility for New Buildings

The noise environment that currently exists surrounding the Project Site would also affect the Project's proposed on-site residential and hotel uses. Residential and hotel uses are proposed at the southwestern portion of the Project Site, primarily facing 7th Street. The Final EIR disclosed that the Project Site is currently exposed to noise levels from 71.7 (ambient at R0) up to 76.1 dBA CNEL (ambient at R2), due primarily to traffic on adjacent roadways and the Harbor Freeway. Currently, the baseline ambient noise level at times exceeds the City-recommended noise standard used for multi-family residential and hotel developments (65 dBA CNEL) for the Project Site. In addition, the Project's proposed on-site residential and hotel uses would be exposed to the Project's stationary noise sources, particularly from the mechanical equipment, outdoor services and helistop. However, Project Design Feature PDF-8 requires the building construction to provide adequate sound insulation in the design of the residential and hotel building, to meet the acceptable interior noise level of 45 dBA CNEL. Therefore, impacts associated with the introduction of residential and hotel uses into the noise environment would be less-than-significant.

(c) Land Use Equivalency Program

The exchange of office/commercial, retail, hotel, and/or residential land uses would be accomplished within the same building parameters, and the overall character of development would be the same as the Project uses analyzed. Regardless of the resultant mix of land uses under the Land Use Equivalency Program that would occur at the Project Site, the Project would generate construction noise and vibration levels consistent with those described previously, and through compliance with applicable building standards and the listed project design features and mitigation measures, impacts related to construction noise and vibration under the Land Use Equivalency Program would be less-than-significant.

Under the Land Use Equivalency Program, operational noise sources associated with building mechanical equipment, parking facilities, loading and trash/recycling areas outdoor services, and the helistop would occur within the same building parameters, and the overall character of development would be the same under the Project. Regardless of the resultant mix of land uses under the Land Use Equivalency Program that would occur at the Project Site, the Project would generate noise levels from these sources consistent with those described previously, and through compliance with applicable building standards and the listed mitigation measures, impacts related to these noise sources under the Land Use Equivalency Program would be less-than-significant. Under the Land Use Equivalency Program, the level of daily traffic generation could increase under some land use exchanges. This could potentially increase off-site roadway traffic noise impacts slightly. However, because the calculated traffic noise levels for the Project are well below the applicable 3 dBA threshold, increased noise levels from traffic would not have the potential to cause this threshold to be exceeded. Therefore, implementation of the Land Use Equivalency Program would have no additional significant impacts with respect to traffic noise.

(d) Design Flexibility Program

The design of the Project as a conceptual plan allows for flexibility in the finalized building design within a determined set of parameters. Implementation of the Design Flexibility Program may result in changes to the location of the structures on the Project Site different than those identified in the Conceptual Plan. Specifically, the location of the proposed helistop would not change in such a way as to create any new or increased impacts on sensitive receptors. Regardless of the placement of buildings on the Project Site, or uses within those buildings, under the Design Flexibility Program, the Project would generate noise levels consistent with those described previously, and through compliance with applicable building standards and the listed project design features and mitigation measures, impacts related to noise under the Design Flexibility Program would be less-than-significant.

(e) Groundborne Vibration from Project Operations

The primary sources of Project operation-related vibration would include passenger vehicle circulation within the proposed parking facility and on-site delivery truck activity, which would be similar to the existing conditions, including the existing on-site subterranean parking structure and roadways adjacent to the Project Site. In addition, the Project would include typical commercial-grade stationary mechanical and electrical equipment such as air handling units, condenser units, cooling towers, exhaust air fans, and electrical power generators that would produce vibration similar to the existing Wilshire Grand Hotel and Centre. Typically, ground-borne vibration attenuates rapidly as a function of distance from the vibration source. Furthermore, most of the Project's operational-related vibration sources, such as mechanical and electrical equipment, would incorporate vibration attenuation mounts, as required by the particular equipment specifications. Therefore, the Project operations would not increase the existing vibration levels in the immediate vicinity of the Project Site, and as such vibration impacts associated with Project operation would be less-than-significant.

L. Population, Housing & Employment

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause significant impacts with respect to population, housing and employment.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Population, Housing & Employment

(i) Construction

The Project development would result in increased employment opportunities in the construction field, which could potentially result in increased permanent population and demand for housing in the vicinity of the Project Site. Employment patterns of construction workers show that workers would likely not

relocate their households because construction workers regularly commute to job sites that change many times over the course of a year, many construction workers are highly specialized and move from job site to job site as dictated by the demand for their skills, and work requirements of most construction projects are highly specialized. Workers remain at a job site only for the time frame in which their specific skills are needed to complete a particular phase of the construction process. As such, it is likely that the skilled workers anticipated to work on the Project already reside within the Los Angeles region and would not need to relocate as a result of employment. Construction activity associated with the Project would not cause growth (i.e., new housing or employment generators), accelerate development in an undeveloped area that exceeds projected/planned levels for the year of Project occupancy/buildout, or result in an adverse physical change in the environment; or introduce unplanned infrastructure that was not previously evaluated in the adopted *Central City Community Plan or City of Los Angeles General Plan*. Therefore, employment housing and population impacts associated with the construction of the Project would be less-than-significant.

(ii) Operation

The Project would generate approximately 6,022 employees, which would result in a net increase of approximately 4,291 employees on the Project Site, a small percentage of the parameters of SCAG's forecast of 127,371 additional jobs in the City of Los Angeles between 2005 and 2020. The Project Site is within the area designated as Downtown Center in the *City of Los Angeles General Plan Framework*. Thus, this projected employment growth would not cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds projected/planned levels for the year of Project occupancy/buildout, and that would result in an adverse physical change in the environment; or introduce unplanned infrastructure that was not previously evaluated in the adopted Community Plan or General Plan. In addition, because the Project Site is within the Downtown Center, employment growth would likely occur absent implementation of the Project. Therefore, projected employment growth associated with the Project would be less-than-significant.

No residential uses currently exist on the Project Site, so the Project would not result in the displacement of any form of housing. The Project would include the development of 100 residential dwelling units. The proposed 100 residential dwelling units would be consistent with the SCAG forecast of 179,440 additional households in the City of Los Angeles between 2005 and 2020. According to the *Central City Community Plan* projections, the total number of housing units is expected to grow to approximately 16,457 units by 2010, with a projected availability of approximately 1,897 housing units in the Community Plan Area in 2010. The final mix of land uses will be consistent with the Land Use Equivalency matrix. The Project, which also includes office uses, hotel, and retail/restaurant uses, would attract high-skill jobs located adjacent to transit opportunities. The Project's location adjacent to the regional rail transit system increases the range of locations where employees could relocate in order to access the new jobs that would be generated by the Project. The types of jobs, which include office, commercial, and hotel, at the Project Site would enable employees to have wide range of housing options.

It is reasonable to expect, however, that some of the new employees would be drawn from the local labor force readily available in the Community Plan Area and surrounding communities. In addition, it is likely that many of the employees associated with uses to be located or relocating to the Project Site would be long-term residents of other nearby communities and would be unlikely to relocate as a result of the Project. It is also likely that many of the employees who would be associated with the future office use would be long-term residents of other nearby communities that are unlikely to relocate as a result of the Project. As such employee-related housing growth would not cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds projected/planned levels for the year of Project occupancy/buildout of 2020, and that would result in an adverse physical change in the environment; or introduce unplanned infrastructure that was not previously evaluated in the adopted Community Plan or General Plan. Moreover, because the Project Site is within the area designated as Downtown Center, employment growth on the Project Site would likely occur even without implementation of the Project because this is a targeted growth area pursuant to existing City policy. Therefore, employee-related housing growth associated with the Project would be less-than-significant.

The construction of 100 additional residential dwelling units on the Project Site would be expected to result in an increase in approximately 189 net permanent residents in the City of Los Angeles. In 2005, SCAG estimates that the City of Los Angeles had a total population of 3,955,392 persons. According to SCAG, the Citywide population is expected to increase by 248,937 between 2005 and 2020, to 4,204,329. The addition of an estimated 189 new residents under the Project would be well within the City's and SCAG's anticipated growth rate, representing 0.08 percent of the Citywide total growth for the period of 2005 to 2020. Therefore, the impacts related to population growth would be less-than-significant.

(b) Land Use Equivalency Program

Under the Land Use Equivalency Program, the maximum number of residential dwelling units developed would be 1,100, generating approximately 2,709 residents. This increase in population represents approximately 1.1 percent of the total growth expected for the City for the period of 2005 to 2020. Additionally, the 1,100 units that could be developed under the Land Use Equivalency Program would be within SCAG projections for the City, representing approximately 0.6 percent of the anticipated growth between 2005 and 2020. Further, the maximum increase in employee generation would occur in the event that all of the Project's retail/restaurant uses were exchanged for the maximum amount of office uses permitted under the Land Use Equivalency Program. Under the Land Use Equivalency Program, the maximum amount of office uses developed would be 1,750,000 square feet, generating approximately 6,119 employees for a net total of 4,388 new employees. The addition of 4,388 employees represents approximately 3.4 percent of SCAG's anticipated employment growth rate for the City between 2005 and 2020. Therefore, impacts on population, housing, and employment associated with the Land Use Equivalency Program would be less-than-significant.

(c) Design Flexibility Program

The design of the Project as a conceptual plan merely allows for flexibility in the finalized building design within a determined set of parameters. As such, the Design Flexibility Program would have no impact on population, housing, or employment and all conclusions would be same as described previously for the Project. Therefore, impacts associated with the Design Flexibility Program would be less-than-significant.

M. **Public Services: Fire**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause significant impacts with respect to fire services. Nonetheless, Project Design Features PDF-1 through PDF-3 and Mitigation Measures MM-1 through MM-8, have been provided to further reduce the Project's contribution to the less-than-significant impact.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Fire

(i) Construction

Construction on the Project Site would increase the potential for accidental on-site fires from such sources as the operation of mechanical equipment and use of flammable construction materials. Construction activities also have the potential to affect fire protection services, such as emergency vehicle response times, by adding construction traffic to the street network and potentially requiring partial lane closures during street improvements and utility installations. These construction impacts would be temporary in nature and would not cause lasting effects to impact LAFD fire protection services. Partial lane closures would not greatly affect emergency vehicles because drivers would have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Additionally, flagmen would be used to facilitate the traffic flow until construction is complete if there are partial closures to streets surrounding the Project Site. The Project Site is currently within the required 1.5-mile radius of LAFD Fire Station 3, 9, and 10 as required by the Fire Code, and thus response times would not be impacted, and fire protection services would not be impacted. As such, Project construction would not affect fire fighting and emergency services to the extent that new, expanded, consolidated, or relocated fire facilities would be needed in order to maintain acceptable service ratios, response times, or other performance objectives of the LAFD. Therefore, construction-related impacts on fire protection services would be less-than-significant.

(ii) Operation

The increase in employees, residents, and visitors to the Project Site generated by the Project would potentially increase demand for fire protection services. The Project would require a fire flow of 4,500 gpm from three fire hydrants flowing simultaneously. The LADWP has indicated that the 12-inch water main beneath Wilshire Boulevard is capable of supplying 5,000 gpm and a system pressure of 39 PSI and the 10-inch water main beneath Figueroa Street is

capable of supplying 5,000 gpm and a system pressure of 52 PSI. Additionally, the City requires implementation of Standard Mitigation Measures to ensure the requisite fire flow for the Project Site. Further, the location and number of any new private hydrants would be determined as part of LAFD's review of the Project plans. Therefore, through compliance with the City's Standard Mitigation Measures, impacts on fire flow would be less-than-significant.

The current response time to the Project Site from Fire Station 3 averages between three and five minutes. After implementation of traffic Mitigation Measures 1 through 4, including the Transportation Demand Management (TDM) program, significant impacts would be reduced to two intersections and freeway on and off ramps in the morning peak hour and five intersections in the afternoon peak hour after full buildout in 2020. However, none of these intersections are en route from Fire Station 3 to the Project Site and as such, would not inhibit emergency response. The Project Site is within a 1.5-mile radius of LAFD Fire Station 3 (the recommended maximum response distance) as well are Fire Stations 9, and 10. Furthermore, because the Project would be categorized as a high-rise, installation of an automatic sprinkler system is required under Fire Code Section 57.118.11 and is part of LAFD Standard No. 59 and would be implemented as a project design feature as noted previously. Conformance with applicable Fire Code and LAFD building requirements in conjunction with the proximity of the Project Site to area fire stations would provide adequate on-site fire protection and impacts would be less-than-significant.

Emergency vehicle access to the Project Site would continue to be provided from the local roadway Francisco Street and major roadways adjacent to the Project Site including Wilshire Boulevard, 7th Street, and Figueroa Street, and emergency access to the Project Site would be maintained at all times. Therefore, impacts related to emergency access would be less-than-significant.

(b) Land Use Equivalency Program

Under the Land Use Equivalency Program, the development scenario with the highest on-site population would be realized if the hotel and office uses were exchanged to achieve the maximum amount of residential use of 1,100 residential dwelling units, as it would generate the greatest amount of population on-site for both the employee and resident populations, 5,236 employees and 2,079 residents, respectively. However, this increase in both employee and resident populations would not interfere with or change LAFD's current response distance or time, or emergency access to the site. Additionally, development under the Land Use Equivalency Program would be required to implement the same project design features and mitigation measures as identified in the Final EIR to ensure adequate fire flow. Therefore, impacts on fire protection services associated with the Land Use Equivalency Program would be less-than-significant.

(c) Design Flexibility Program

Under the Design Flexibility Program, access points and site circulation would be maintained in general conformance with the conceptual plan for the Project and all project design features will be implemented. Additionally, emergency access to the Project Site would be maintained at all times and the Applicant would submit plot plans for LAFD approval as to emergency access. Therefore,

impacts related to fire protection services associated with the Design Flexibility Program would be less-than-significant.

N. **Public Services: Police**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause significant impacts with respect to police services. Nonetheless, City Standard Mitigation Measures MM-9 through MM-11, have been provided to further reduce the Project's contribution to the less-than-significant impact.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Police

(i) Construction

Traffic generated by construction workers and trucks would occur primarily during off-peak hours. Although minor traffic delays could result from construction activities at times, these impacts would be temporary in nature and would be coordinated ahead of time with local police and emergency officials. Therefore, traffic construction impacts to police services would be less-than-significant.

(ii) Operation

The Project would include adequate and strategically positioned functional lighting to enhance public safety. Visually obstructed and infrequently accessed "dead zones" would be limited and, where possible, security would be controlled to limit public access. The building and layout design of the proposed structures would also include crime prevention features, such as nighttime security lighting, secure parking facilities, and provision of security patrol if necessary. Development of the Project would result in a less-than-significant operational impact on police protection services. However, with the implementation of mitigation measures, which address security lighting, landscaping planning and minimization of dead space to eliminate areas of concealment operational impacts, impacts to police services would be further reduced and are therefore recommended.

The Project would generate approximately 189 permanent residents. The addition of these new residents at the Project Site would not require any additional officers in order to maintain the current officer-to-population ratio in the greater Central Area, as 189 additional residents to the Central Area would only result in a minimal change of the current ratio of 9.4 officers per 1,000 residents. Therefore, impacts associated with the officer-to-population ratio would be less-than-significant.

After implementation of traffic Mitigation Measures 1 through 4, including the TDM program, significant impacts would be reduced to two intersections in the morning peak hour and five intersections in the afternoon peak hour after full buildout in 2020. The following intersections and freeway on and off ramps would be significantly impacted with implementation of the Project: Figueroa

Street & 5th Street/Harbor Freeway on-ramps, Figueroa Street & 6th Street/Harbor Freeway off-ramps, Figueroa Street & Wilshire Boulevard, Figueroa Street & 7th Street, and Bixel Street/Harbor Freeway southbound on-ramp & 8th Street. However, police units are most often in a mobile state; therefore, it is unknown precisely which route the LAPD would use to access the Project Site when responding to an emergency call. Thus, a police unit accessing the Project Site from the surrounding area may or may not pass through at least one of the impacted study intersections. As such, response times would not be greatly affected, as emergency vehicles normally have a variety of options for avoiding traffic such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Therefore, Project impacts related to response times would be less-than-significant.

Emergency access to the Project Site would be provided by the existing and proposed street system. The Project would be designed and constructed in accordance with LAMC requirements to ensure proper emergency access. Therefore, impacts on emergency access would be less-than-significant.

Thus, the Project would result in less-than-significant impact to police services that would be further reduced through the implementation of Project Design Features PDF-4, PDF-5, PDF-6, PDF-7, PDF-8 and PDF-9, as well as the City Standard Mitigation Measures MM-9, MM-10 and MM-11.

(b) Land Use Equivalency Program

Under the Land Use Equivalency Program, the development scenario with the highest on-site population would be realized if the hotel and office uses were exchanged to achieve the maximum amount of residential use of 1,100 residential dwelling units, as it would generate the greatest amount of population on-site for both the employee and resident populations, 5,236 employees and 2,079 residents, respectively. The population would change the existing officer-to-resident population ratio in the Central Area to 7.4 officers per 1,000 residents. The resulting officer-to-resident population ratio in the Central Area under this scenario would still surpass the preferred ratio standard of one officer to 1,000 population. While the maximum increase in on-site population scenario could increase the number of emergency calls received by LAPD, impacts to response times would remain less-than-significant, given the nature of mobile police units and their authority to perform traffic-avoiding maneuvers. Further, the high-density design of the Project would allow the existing Central Area police force to serve a greater number of citizens in a concentrated amount of space, which would also reduce any Project-generated need for additional police officers. Therefore, impacts of the Land Use Equivalency Program on police services would be less-than-significant.

(c) Design Flexibility Program

Under the Design Flexibility Program, access points and site circulation will be maintained in general conformance with the conceptual plan for the Project and all project design features related to security will be implemented. Additionally, emergency access to the Project Site would be maintained at all times. Therefore, impacts related to police services associated with the Design Flexibility Program would be less-than-significant.

O. **Public Services: Schools**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause significant impacts with respect to schools. Nonetheless, Mitigation Measure MM-12 has been provided to further reduce the Project's contribution to the less-than-significant impact.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

The Project would generate a total net increase of approximately 122 students, including 77 elementary students, 41 middle school students, and 41 high school students. It is likely that some of the students generated by the Project would already reside in areas served by LAUSD and would already be enrolled in LAUSD schools. The Project would add 77 new elementary students to Castelar Elementary School and Gratts Elementary School. This would result in the schools surpassing their capacity for students. The addition of 41 middle school students at Liechty Middle School would not result in the school reaching or surpassing its capacities for students. Also, the addition of 41 high school students at Belmont Senior High School would further exacerbate an over-enrolled school. However, LAUSD is aware of the overcrowded conditions at area schools and has four schools, Central Los Angeles New Learning Center #1 ES/MS/HS (Quarter 3, 2010), Central Los Angeles Area New Middle School #3 (Completed), Central Los Angeles Area New High School # 9 (Completed), and Gratts New PC (Quarter 3, 2010) planned for construction or recently completed to alleviate the overcrowded conditions. Further, pursuant to the California Government Code Section 17620, payment of the school fees (Mitigate Measure MM-12) established by the LAUSD in accordance with existing rules and regulations regarding the calculation and payment of developer impact fees in accordance with Senate Bill (SB) 50, would, by law, mitigate the Project's direct and indirect impacts on schools. Compliance with SB 50 is considered full and complete mitigation. Therefore, impacts on the schools identified to serve the Project would be less-than-significant.

(b) Land Use Equivalency Program

Under the Land Use Equivalency Program, the development scenario with the highest on-site population would be realized if the hotel and office uses were exchanged to achieve the maximum amount of residential use of 1,100 residential dwelling units, as it would generate the greatest amount of population on-site for both the employee and resident populations, 5,236 employees and 2,079 residents, respectively. Under the development scenario with the highest student generation, 401 students (194 elementary students, 105 middle school students, and 102 high school students) would be generated by the uses, which would represent a net increase of 366 students compared to the existing condition. However, this increased on-site population demand on school services would be mitigated by the payment of school fees. As such, implementation of the proposed Land Use Equivalency Program would result in a less-than-significant impact related to school services.

(c) Design Flexibility Program

Design alterations under the Design Flexibility Program would not impact school services as student generation would not be affected by design alterations. Thus, the Design Flexibility Program would result in a less-than-significant impact related to school services.

P. **Public Services: Parks & Recreation**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause significant impacts with respect to parks and recreation. Nonetheless, Mitigation Measure MM-13 has been provided to further reduce the Project's contribution to the less-than-significant impact.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

The Project will include up to 100 residential dwelling units and approximately 20,782 square feet of open space comprised of 7,350 square feet of common open space at the podium level, including an outdoor plaza constructed at the corner of 7th Street and Figueroa Street (total size of plaza shall be a minimum of 10,890 square feet),8,432 square feet of common open space at the rooftop level, and approximately 5,000 square feet of private balconies. The Project would include landscaped parkways, planted trellises, and street trees around the perimeter of the Project Site. Assuming the maximum required 175 square feet of open space per dwelling unit, the Project would provide approximately 3,282 square feet more open space than required under LAMC Section 12.21(G)(2).

It is estimated that the development of the Project would result in an increase of approximately 189 residents. Based on the parkland-to-resident ratio, the Project would generate a need for approximately 0.19 additional acre of public parkland in the Project area. To alleviate the demand on City parks and recreational facilities, the Applicant will pay Quimby fees to the City to satisfy its obligations under the Quimby Act and/or payment of a Dwelling Unit Construction Tax. Therefore, with the fulfillment of the City code-required open space on-site, payment of Quimby fees and/or the Dwelling Unit Construction Tax to the City per Mitigation Measure MM-13, impacts to parks and recreational facilities would be less-than-significant.

Under the Land Use Equivalency Program, the development scenario with the highest on-site population would be realized if the hotel and office uses were exchanged to achieve the maximum amount of residential use of 1,100 residential dwelling units, as it would generate the greatest amount of population on-site for both employee and resident populations, 5,236 employees and 2,079 residents, respectively. Any development under the Land Use Equivalency Program would be required to comply with the open space requirements of the LAMC, and as such, open space provided at the Project Site would be adequate. This increased population demand on park services would be mitigated by the payment of Quimby fees and/or payment of a Dwelling Unit Construction Tax. Thus, impacts related to parks and recreational services under the Land Use Equivalency Program would be less-than-significant.

Under the Design Flexibility Program, the Project would include an outdoor plaza of not less than one quarter acre, which would also function as common open space for residents. Design alterations under the Design Flexibility Program would not impact parks and recreational services as resident generation would be similar to that of the Project. Therefore, with payment of parks fees, impacts related to the Design Flexibility Program would be less-than-significant.

Q. **Public Services: Libraries**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause significant impacts with libraries.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

The Project is expected to generate approximately 189 residents. Pursuant to state standards, the Project's resident population would be expected to generate the need for approximately 95 square feet of library facility space and 378 volumes of permanent collection. At 500,000 square feet, the Central Library exceeds the proposed new regional branch building size criteria defining a regional branch as up to 20,000 square feet in size. As such, the population increase would in fact be accommodated by the Central Library. Therefore, the Project's impact relative to libraries would be less-than-significant.

Under the Land Use Equivalency Program, the development scenario with the highest on-site population would be realized if the hotel and office uses were exchanged to achieve the maximum amount of residential use of 1,100 residential dwelling units, as it would generate the greatest amount of population on-site for both the employee and resident populations, 5,236 employees and 2,079 residents, respectively. According to the state standards, this increased population demand on library services would generate the need for approximately 1,355 square feet of facility space and 5,418 volumes of permanent collection. At 500,000 square feet, the Central Library has adequate facilities to serve the additional residents generated under the Land Use Equivalency Program. Therefore, implementation of the Land Use Equivalency Program would result in a less-than-significant impact related to libraries.

Design alterations under the Design Flexibility Program would not impact library services as resident generation would be similar to that of the Project.

R. **Transportation/Traffic (Intersections, Freeway Segments, Regional Transit, Construction-Related Street Use, Project Site Access - (Bicycle, Pedestrian, Vehicular Safety), On-Off Ramp, Parking)**

Description of Significant Effects. As analyzed in the *Transportation Study for the Wilshire Grand Redevelopment Project* (April 2010) and concluded in the Final EIR and Final EIR supplement, implementation of the Project would not cause significant impacts with respect to construction related street use, certain intersections, traffic on freeway segments, regional transit, project site access regarding bicycles, pedestrians and vehicular safety, on- and off-ramps, and parking. Nonetheless, mitigation measures have been provided to further reduce the Project's contribution to the less-than-significant impact.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Transportation/Traffic

(i) Construction

Construction of the Project would generate traffic from construction worker trip and construction truck trips (i.e., the arrival and departure of trucks for the removal of debris generate by on-site demolition and excavation activities). Construction truck traffic (including haul trucks) would temporarily decrease the capacities of access streets and haul routes due to slower movements and larger turning radii of trucks. The average day forecasts indicate that approximately 2,245 cubic yards of earth material would be exported. At approximately 14 cubic yards per truck, this quantity translates into 160 loads per day. Assuming 4.5 loads per truck per day, a total of 35 trucks would be required and the average haul truck traffic would be 320 trips per day. On an average hourly basis, these daily trip totals would translate to approximately 32 trips per hour. Assuming a passenger car equivalency of 2.0, this level of truck travel would be equivalent to 64 passenger cars per hour. All of the existing uses on the Project Site would be vacated and demolished prior to the commencement of construction of the building structures. Since the haul truck trips expected to be generated during the peak stages of hauling (64 passenger car trips per hour) are lower than the trips generated by the existing uses (788 passenger car trips per hour), traffic from the haul trucks is expected to result in a less-than-significant impact on the street system.

The proposed haul routes would include use of streets that are designed to accommodate the projected level of truck traffic. The Applicant is required to prepare and implement a Traffic Management Plan that details street closures, detour plans, haul routes, and staging plans, to the satisfaction of the City. Although haul truck traffic would temporarily impact street capacity, due to the intermittent and short-term nature of the impact, the impact would be less-than-significant.

Peak traffic from construction delivery trucks would occur during the construction of the garage and would last approximately 36 months. During this period, approximately 72 truck trips would occur per day. On an average hourly basis, these daily trip totals would translate to approximately seven trips per hour and this level of truck travel would be equivalent to between 14 passenger cars per hour. Since the construction delivery truck trips expected to be generated during the peak stages of construction (14 passenger car trips per hour) are lower than the trips generated by the existing uses (788 passenger car trips per hour), traffic from the construction delivery trucks is expected to result in a less-than-significant impact on the street system.

The average number of construction workers for the hotel and office buildings are 652 and 560, respectively. The peak number of construction workers expected to be on-site is 900 and this manpower would be required during the construction of the building structures. The construction program assumes that 20 percent of the workers would use public transit to commute to the site, 40 percent would

drive alone, and 40 percent would carpool (two workers per vehicle). Applying the mode split identified previously, the 900 workers translate to approximately 540 automobile trips in the afternoon peak commute period. Since the worker trips expected to be generated during the peak stages of construction (540 trips) are lower than the trips generated by the existing uses (788 trips), traffic associated with construction workers would not result in a significant impact.

During construction, an adequate number of parking spaces for construction workers would be available at all times in the Project vicinity or the Project would provide a shuttle to an off-site parking location for the construction workers. Therefore, Project construction would result in a less-than-significant impact with regard to the availability of parking spaces.

During the Project's construction phase, pedestrian and vehicular access to properties near the Project Site would not be affected. Temporary closures of sidewalks adjacent to the Project Site could occur. However, signage would be posted to direct pedestrians to sidewalks on the opposite sides of the streets. Therefore, Project impacts related pedestrian access would be less-than-significant.

Construction activities, such as lane closures, sidewalk closures, rerouting of bus lines and loss of bus stops, and loss of off street parking, would be temporary in nature, and therefore no significant impacts related to this issue would occur. These constructions activities could have affect on response time for emergency vehicles due to travel time and delays. However, the City would require the Project to devise and implement construction traffic control plans as outlined in Mitigation Measure MM-4. Therefore, potential impacts to emergency access during construction would be less-than-significant.

(ii) Operations

1. Intersections

The Final EIR's traffic analysis analyzed the Project's traffic impacts at 42 intersections. Since the Project replaces existing active land uses, it is expected to generate a net total of 1,454 daily trips on a typical weekday, including approximately 522 morning peak-hour trips (491 inbound, 31 outbound) and 552 afternoon peak-hour trips (26 inbound, 526 outbound), accounting for trip reductions from the TDM program. This represents a reduction of 2,170 daily trips, including 278 trips in the morning peak hour and 306 trips in the afternoon peak hour due to the proposed TDM program. Based on the City's significance thresholds criteria, the Project would create a significant impact at 7 study intersections during the A.M. and/or P.M. peak hours. With implementation of Mitigation Measures MM-1 through MM-4, impacts to the 35 intersections would be reduced to a less-than-significant impact. However, as discussed in Section IV.B of the Final EIR, significant and unavoidable impacts would occur at 7 study intersections.

2. Regional Transit

The capacity of the transit system serving the Project Site would be adequate to accommodate the Project's estimated transit ridership. Although the Project's impacts to the regional transit system would be less-than-significant, additional

Project's Design Features pertaining to transit system improvements are incorporated to further reduce these impacts, such as regional bus transit system improvements.

3. Freeway Segments

The 2004 Congestion Management Program (CMP) for Los Angeles County requires preparation of a Traffic Impact Analysis (TIA) for all CMP arterial monitoring intersections where a project would add 50 or more trips during either the morning or afternoon weekday peak hours as well as all mainline freeway monitoring locations where a project would add 150 or more trips (in either direction) during the morning or afternoon weekday peak hours. The Project would not contribute 50 or more peak-hour trips to these arterial monitoring stations located in the vicinity of the Study Area. Therefore, no further review of potential impacts to CMP-designated arterial monitoring stations was required in the Final EIR. Additionally, the Project would not contribute 150 or more peak-hour trips to the two CMP-designated freeway monitoring locations that are within the Study Area. Therefore, no further review of potential impacts to CMP-designated freeway segments was required.

Based on the CMP significant traffic impact criteria employed by Caltrans, the Project would not result in a significant impact at any of the study freeway segments during either peak hour. Caltrans identified an improvement project that includes construction of auxiliary lanes on the Harbor Freeway from 0.18 miles south of Washington Boulevard undercrossing to 0.2 miles north of the Wilshire Boulevard overcrossing. The Project is not expected to result in a significant impact at any of the analyzed freeway segments.

4. Project Site Access (Bicycle, Pedestrian, Vehicular Safety)

No designated bike lanes are located near the Project Site. With implementation of the safety measures incorporated as project design features (such as easy pedestrian flow and caution signage for bicyclists, pedestrians and drivers installed near driveways and access points), potential bicycle, pedestrian, and vehicular conflicts would be minimized, and impacts to project site access for bicyclists, pedestrians and drivers would be less-than-significant.

5. On- and Off-Ramps

The Final EIR indicates none of the on-ramps would exceed Caltrans' maximum standard of 900 vph per lane as a result of the Project. Therefore, Project impacts related to on-ramp capacity would be less-than-significant.

As for off-ramps, a queuing analysis was performed in the Transportation Study that identified the locations where Project traffic might result in off-ramp traffic backing out onto the mainline freeway lanes (or adding to a future base conditions where queue length was projected to be excessive even before the Project traffic was added). Based on Caltrans' standards, the Project impacts to off-ramps would be significant only at the Grand Avenue and Hollywood Freeway northbound off-ramp. Caltrans determined that the Project would be required to pay a fair-share contribution for the widening of the identified off-ramp or the development of auxiliary lanes on the freeway in order to mitigate the impact at

this off-ramp (MM-3). Therefore, with implementation of mitigation measures, the Project's impacts to on- and off-ramps would be less-than-significant.

6. Parking

At full buildout, the Project's proposed 1,900 spaces results in a deficit of 475 spaces based on LAMC requirements for the Project land use components when these components are calculated separately. Based on the shared parking demand, at full buildout, the Project would have a deficit of 92 spaces over the peak demand (before mitigation). With implementation of Mitigation Measure MM-1, the TDM Program, the Project has a surplus of 32 parking spaces at full buildout during the busiest hour of the weekday. Thus, the Project would have a sufficient parking supply to meet the projected peak parking demand and parking impacts would be less-than-significant.

(b) Land Use Equivalency Program and Design Flexibility Program

The Land Use Equivalency Program set forth and evaluated in the Final EIR was based primarily upon afternoon peak hour trip generation rates. As such, the Land Use Equivalency Program would allow the uses set forth in the Project Description to be exchanged for one another such that no additional afternoon peak hour traffic generation would result from any exchange that is consistent with the factors contained within the Equivalency Program. The Land Use Equivalency Program includes an additional step to ensure that regional operational air emissions do not exceed SCAQMD thresholds. If any land use exchange would cause the regional operational emissions threshold to be exceeded, land use offsets will be identified, which would reduce both afternoon peak-hour and daily traffic generation. Therefore, under the Land Use Equivalency Program, afternoon peak-hour traffic generation, upon which the evaluation of traffic impacts are based, would not increase under any land use exchange and implementation of the Land Use Equivalency Program would have no additional significant impacts with respect to traffic.

The design of the Project as a conceptual plan allows for flexibility in the finalized building design within a determined set of parameters. Placement of structures on the Project Site would not change the amount of traffic generated by the project, traffic distribution, intersection impacts, or access to or from the Project Site. Additionally, configurations related to transportation including site access locations would not be altered under this program. For these reasons, the impacts evaluated for the Project would not be significantly altered under the Design Flexibility Program in such a way as to result in significant impacts. With implementation of the listed mitigation measures, impacts related to transportation under the Design Flexibility Program would be less-than-significant.

S. **Utilities: Water**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project would not cause significant impacts with respect to water supply. The Project incorporates Project Design Features PDF-1 through PDF-13 to prevent any potential impacts. Nonetheless, Mitigation Measure MM-1, as set forth in the Final EIR, has been provided to further reduce the Project's less-than-significant impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Water Demand

A Water Supply Assessment was prepared to assess the Los Angeles Department of Water and Power's (LADWP) ability to serve the Project's water supply needs (see Appendix IV.J.1-2 of the Draft EIR). The projected water demand for the Project is estimated to be 598,452 gpd (or 670 af/y) with the incorporation of PDF-1 through PDF-13, a net increase of 376,741 gpd (or 422 af/y) compared to the existing conditions. According to the Water Supply Assessment, the Project's demand for domestic water could be accommodated by existing water supplies during normal, single-dry, and multiple-dry water years taking into account existing and planned future demands.

As discussed in the Final EIR, there has been some concern raised recently regarding the reliability of water purchased by the LADWP from the Metropolitan Water District (MWD). Recent and ongoing litigation regarding both endangered species in the Bay-Delta and the Quantification Settlement Agreement as it pertains to Colorado River supplies have resulted or have the potential to result in reduced deliveries to MWD in the near term. However, affirmative steps are being taken at the federal, state, regional and local levels that are likely, over time, to offset the effects of these activities and assure reliability of MWD supplies in the long term.

The anticipated water demand from the Project falls within the Urban Water Management Plan's (UWMP) projected water supplies for normal, single-dry, and multiple-dry years through 2030 and within the UWMP's 25-year water demand growth projection. Consideration of existing sources of supply, coupled with the combined effect of these actions, is expected to assure adequate water supplies for the LADWP service area through at least 2035. As stated in the Overview Report (see Appendix IV.J.1-3 of the Draft EIR), the amount of new annual demand from the Project is insignificant relative to available supplies, projected growth in Los Angeles, and planned water resource development by LADWP.

Therefore, the potential impacts of the Project with respect to water supplies would be less-than-significant.

(b) Water Infrastructure and Fire Flow

As discussed in the *Water System Technical Report*, available as Appendix IV.J.1-1 in the Draft EIR, the Project would not require the construction of new water lines or improvements to the existing local water distribution system to meet the Project's domestic water demand. According to Fire Code Section 57.09.06, the overall fire flow requirement for the Project Site (a high density residential and commercial land use) is 4,000 gpm from four fire hydrants flowing simultaneously with a 20 PSI minimum residual pressure remaining in the system while the required gpm are flowing. The Project would require a fire flow of 4,500 gpm from three fire hydrants flowing simultaneously. The LADWP has indicated that the 12-inch water main beneath Wilshire Boulevard is capable of supplying 5,000 gpm and a system pressure of 39 PSI and the 10-inch water main beneath

Figueroa Street is capable of supplying 5,000 gpm and a system pressure of 52 PSI.

Although, it is not anticipated that the Project would require the installation of new fire hydrants water or conveyance infrastructure to meet the Project's fire-flow water demand, should it be determined during the plot plan review that the existing fire-flow at the Project Site is not sufficient to serve the Project, and that the Project would require the installation of new water meters, private fire hydrants, or other fire safety features, these features would conform to the City's Fire Code and be implemented in consultation with the City of Los Angeles Fire Department. As such, Project impacts related to water infrastructure and fire flow would be less-than-significant.

(c) Land Use Equivalency Program

The Project would include a Land Use Equivalency Program to maintain flexibility of Project land uses and floor areas so that the Project can, if necessary, respond to the changing needs of the Southern California economy. The Land Use Equivalency Program defines a framework within which the proposed mix of land uses can be modified within the development envelope defined by the approved entitlements without resulting in any new significant impacts or a substantial increase in the severity of previously identified significant impacts as analyzed in the Final EIR.

Under the Land Use Equivalency Program, land uses identified in the Project description could be exchanged to allow for the development of substitute land uses within a defined set of parameters. Exchanges could result in different levels of water consumption than indicated in the analysis of the Project.

For potential exchanges that would result in increased water consumption compared to the Project, additional adjustments would need to be made in order to avoid additional impacts on water supply resulting from the implementation of the Land Use Equivalency Program. This is because the approved Water Supply Assessment for the Wilshire Grand Redevelopment Project states:

"This Water Supply Assessment will no longer be valid if modifications to the Project require greater water demand than stated above. A revised Water Supply Assessment will then be required, which the developer will need to request through the Planning Department."

Therefore, any land use exchange under the Land Use Equivalency Program that results in a net increase in water consumption would result in a significant impact. However, implementation of Mitigation Measure MM-1 would reduce any impact to less-than-significant.

(d) Design Flexibility Program

The design of the Project as a conceptual plan allows for flexibility in the finalized building design within a determined set of parameters. Since the site conditions would not change from what is discussed previously, and the Project Site would be constructed within the same parameters as analyzed under the Project, the Design Flexibility Program would have no effect regarding water supply and

infrastructure. Therefore, under the Design Flexibility Program, as is the case with the Project, impacts would be less-than-significant.

T. **Utilities: Sewer**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project would not cause significant impacts with respect to sewer service or wastewater. Project Design Features PDF-14 through PDF-16 have been provided which further reduce the Project's less-than-significant impact.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding

(a) Sewer

(i) Construction

During the Project's construction phase, if temporary dewatering is required to build the subterranean parking, the dewatering flows would be discharged to either the local storm drain or the sanitary sewer. If discharged to the local storm drain, the Project would be in compliance with the Construction General Permit, which requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPP). If discharged to the sanitary sewer, as part of the construction permit process and through Project Design Feature PDF-14, the Applicant would confirm with the City that the capacity of the sewer lines serving the site are sufficient to accommodate the dewatering flows and would implement any upgrades that are necessary. In addition, after demolition of the current Wilshire Grand Hotel and Centre on the Project Site, its wastewater generation would no longer occur. Therefore, Project impacts related to wastewater service during the construction phase would be less-than-significant.

(ii) Operation

Implementation of the Project would increase the average and peak daily wastewater flows from the Project Site. As shown on Table IV.J.2-2 (Estimated Project Average Daily Wastewater Generation) in the Environmental Impact Report, the Project is anticipated to generate a net increase of approximately 387,622 gpd of wastewater.

(b) Wastewater Treatment Facilities

The design capacity of the Hyperion Treatment Plant (HTP) is 450 mgd and the HTP's current average wastewater flow is 362 mgd. Therefore, the HTP has a remaining capacity of approximately 88 mgd. The sewage generation of the Project would be well within the design capacity of the HTP representing about 0.2 percent of the remaining capacity. In addition, the HTP would have sufficient treatment capacity to accommodate the Project's average daily total scenario wastewater generation of 0.598 mgd, which would represent approximately 0.680 percent of the remaining capacity. As such, no new or additional wastewater treatment facilities would be required for the Project. Therefore, impacts to wastewater treatment capacity would be less-than-significant.

(c) Local Wastewater Infrastructure

Wastewater service is provided to the Project Site by the existing 12-inch-diameter line beneath Wilshire Boulevard, the 8-inch-diameter line beneath 7th Street, and the 10-inch-diameter line and a 30-inch-diameter line beneath Figueroa Street. LADBS has identified that operation of the Project would require the installation of new and replacement sewer laterals to convey half of the wastewater flow to Wilshire Boulevard and half to 7th Street. Further, as part of the building permit process the Lead Agency would confirm that there is sufficient capacity in the local and trunk lines to accommodate the Project's sewer flows. Therefore, impacts on wastewater infrastructure would be potentially significant. However, the project design features identified previously would encompass necessary infrastructure improvements that would include new and replacement sewer laterals, and therefore, a specific mitigation measure for this potential impact is not necessary or required, as impacts would be less-than-significant.

(d) Land Use Equivalency Program

The Project would include a Land Use Equivalency Program to maintain flexibility of Project land uses and floor areas so that the Project can, if necessary, respond to the changing needs of the Southern California economy. For potential land use exchanges that would result in increased wastewater compared to the Project, a significant impact would occur if the increased wastewater generation would exceed the capacity of the sewer conveyance system that serves the Project Site. The LADBS has indicated that the public sewers adjacent to the Project Site have sufficient capacity to accommodate additional flows of up to 598,000 gallons per day. With the Project generating 387,622 gallons per day of wastewater, an additional 210,378 gallons per day of capacity would be available to serve increased flows associated with land use exchanges under the Equivalency Program.

As Table IV.J.2-4 of the Environmental Impact Report shows, if office uses were to be exchanged for the maximum amounts of hotel, residential, fitness center and restaurant uses, wastewater generation would increase by a maximum of 229,814 gallons per day. This is the most impactful scenario that could occur under the Land Use Equivalency Program. This level of increase would slightly exceed the available capacity of the sewer system serving the Project Site. However, as part of the normal building permit process, the City shall confirm that there is sufficient capacity in the local and trunk lines to accommodate the Project's wastewater flows. This process of confirmation is included as part of Project Design Feature PDF-14. The Project would implement any upgrades to these lines that may be necessary to provide such capacity, as described in Project Design Feature PDF-15. Finally, Project Design Feature PDF-16 would implement measures to increase water efficiency and reduce sewer flows. Impacts of the Land Use Equivalency Program with respect to wastewater would therefore be less-than-significant.

(e) Design Flexibility Program

The design of the Project as a conceptual plan allows for flexibility in the finalized building design within a determined set of parameters, as indicated in Condition 6, such that the net new wastewater demand would not be any greater than that

of the Project. The design flexibility program would have no effect regarding wastewater supply and infrastructure. Therefore, under the design flexibility program, as is the case with the Project, impacts would be less-than-significant.

U. **Utilities: Solid Waste**

Description of Significant Effects. As the Final EIR concluded, the Project would not cause significant impacts with respect to solid waste. Implementation of Project Design Features PDF-17 through 22 further reduces the Project's less-than-significant impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Solid Waste

(i) Construction

Implementation of the Project would generate construction and demolition waste. Much of this material would be recycled and salvaged to the maximum extent feasible at a minimum of 75 percent diversion from the landfill. Materials not recycled would be disposed of at local landfills such as the Sunshine Canyon and Chiquita Canyon Landfills. The Project's total solid waste generation during demolition and construction is anticipated to be approximately 96,084 tons, or 88.9 tpd. However, incorporation of the project design features would reduce this number by 75 percent, to 24,021 tons, or 22.2 tpd. The remaining combined daily intake of the Sunshine Canyon Landfill and Chiquita Canyon Landfill is 91 million tpd. The Project's average daily construction waste (88.9 tpd) would represent less than one thousandth of a percent of the remaining daily capacity of these landfills. As such, the landfill would have adequate capacity to accommodate the average daily construction waste generated by the Project over its multi-year construction period. Therefore, the Project's construction related impacts to solid waste would be less-than-significant.

(ii) Operation

Operation of the Project would result in ongoing generation of solid waste. Over the long-term, the Project would be expected to generate approximately 9.1 tpd of solid waste, a 4.9 tpd net increase in sold waste generation over the existing conditions (See Table IV.J.3-3 [Estimated Solid Waste Generation] in Section IV.J.3 of the Draft EIR. Nonetheless, as recycling of private operational solid waste is not mandated by the City and, therefore, cannot be guaranteed, it is assumed that all 9.1 tpd of operational waste would be disposed of at regional landfills. The remaining combined intake of the Sunshine Canyon Landfill and the Chiquita Canyon Landfill is approximately 91 million tons. As such, they would have adequate capacity to accommodate the daily operational waste generated by the Project. Therefore, a less-than-significant impact associated with operational solid waste would occur.

(b) Land Use Equivalency Program

The Project would include a Land Use Equivalency Program to maintain flexibility of Project land uses and floor areas so that the Project can, if necessary, respond to the changing needs of the Southern California economy. Under the Land Use Equivalency Program, land uses could be exchanged to allow for the development of substitute land uses. For potential exchanges that would result in increased solid waste, a significant impact would occur if the increased solid waste generation would exceed the capacity of the landfill(s) that serve the Project Site. The most impactful scenario possible, as discussed in the Final EIR, would increase solid waste generation by a maximum of 2.93 tpd. This level of increase would be within the 91 ton capacity of the landfill serving the Project Site. Impacts of the Land Use Equivalency Program with respect to solid waste would therefore be less-than-significant.

(c) Design Flexibility Program

The design of the Project as a conceptual plan allows for flexibility in the finalized building design and configuration within a determined set of parameters, as indicated in Condition of Approval 6. Since the site conditions would not change from what is discussed previously, and the Project Site would be constructed within the same parameters as analyzed under the Project, the Design Flexibility Program would have no effect regarding solid waste services. Therefore, under the Design Flexibility Program, as is the case with the Project, impacts would be less-than-significant.

V. **Utilities: Electricity Supply**

Description of Significant Effects. As the Final EIR concluded, the Project would not cause significant impacts with respect to electricity supply. Implementation of Project Design Feature PDF-23 further reduces the Project's less-than-significant impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

Implementation of the Project would increase the demand for electricity at the Project Site. The existing land uses on the Project Site, associated with the Wilshire Grand Hotel and Center, consume approximately 16,610,150 kilowatt-hours (kWh) per year. The Project would conservatively consume approximately 46,949,618 kWh per year, a net increase of approximately 30,339,468 kWh per year compared to the existing uses. The LADWP has indicated that the Project's demand for electricity could be served via existing infrastructure and no improvements or additional to LADWP's off-site distribution system would be needed. Further, this estimation does not take into consideration the effectiveness of the Project's energy conservation features incorporated by Project Design Feature PDF-23. Therefore, Project impacts related to electricity supply and infrastructure would be less-than-significant.

(a) Land Use Equivalency Program

Under the Land Use Equivalency Program, the proposed mix of land uses would be able to be exchanged within the development envelope defined by the approved entitlements. These exchanges could result in different levels of

electric power demand that indicated previously for the Project. However, as a regulated entity, LADWP is required to serve the Project. As such, implementation of the proposed Land Use Equivalency Program would not result in additional significant impacts related to electric power service.

(b) Design Flexibility Program

The design of the Project as a conceptual plan allows for flexibility in the finalized building design within a determined set of parameters. The Project Site would be constructed within the same parameters as analyzed under the Project. The Design Flexibility Program would have no effect regarding electricity supply and infrastructure. Therefore, under the Design Flexibility Program, impacts would be less-than-significant.

W. **Utilities: Natural Gas Supply**

Description of Significant Effects. As the Final EIR concluded, the Project would not cause significant impacts with respect to natural gas supply. Implementation of Project Design Features PDF-24 through PDF-30 further reduces the Project's less-than-significant impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Natural Gas Supplies

Implementation of the Project would create a demand for natural gas at the Project Site. As indicated in Section IV.J.5 of the Draft EIR, the existing demand is approximately 21,500 cubic feet per hour (CFH) and the estimated demand for the Project is approximately 103,046 CFH. The Project's natural gas supply needs would be accommodated within natural gas supply projections for the region. Further, the Project would be subject to the State Energy Conservation Standards contained in Title 24 of the CCR, which is a set of prescriptive standards establishing mandatory maximum energy consumption levels for buildings. The Project would be consistent with the City's energy conservation standards and incorporate Project Design Features PDF-24 through PDF-30 also helping to reduce demand for natural gas. As such, impacts on natural gas supplies as a result of the operation of the Project would be less-than-significant.

(b) Natural Gas Distribution System

According to the *2008 California Gas Report*, California has developed additional natural gas storage facilities and pipelines to accommodate demand growth. There is adequate pipeline capacity to deliver natural gas to the City and the Southern California Gas Company (SCG) has indicated that the Project's demand for natural gas could be served via current infrastructure, and no improvements or additions to SCG's off-site distribution system would be needed. As such, impacts associated with the natural gas distribution infrastructure would be less-than-significant.

(c) Land Use Equivalency Program

Under the Land Use Equivalency Program, the proposed mix of land uses would be able to be exchanged within a development envelope defined by the approved entitlement. These exchanges could result in different levels of natural gas demand than indicated previously for the Project. However, as a regulated utility, SCG is required to serve the Project. As such, implementation of the Land Use Equivalency Program would not result in additional significant impacts related to natural gas disposal service.

(d) Design Flexibility Program

The design of the Project as a conceptual plan allows for flexibility in the finalized building design within a determined set of parameters as indicated in Condition of Approval 6 The Project Site would be constructed within the same parameters as analyzed under the Project. The Design Flexibility Program would have no effect regarding natural gas supply and infrastructure. Therefore, under the Design Flexibility Program, impacts would be less-than-significant.

X. **Visual Resources (Construction, Visual Quality, Image and Value, Visual Character, Scenic Resources/Views, Historic Resources)**

Description of Significant Effects. As the Final EIR concluded, the Project would not cause significant impacts with respect to visual resource issues, excepting signage. Nonetheless, Mitigation Measures MM-1 through MM-3 have been provided to further reduce the Project's less-than-significant impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Visual Resources

(i) Construction

During construction, construction activities at the Project Site would be visible from the surrounding uses to the north, east, south, and west and would occur over a period of approximately 54 months. Construction of the Project would involve demolition/removal of the existing hotel use, grading and building the proposed development. Temporary fencing would be installed around the Project Site partially shielding views of construction activities and equipment. The construction activities would include disturbance of existing natural and man-made features and the development of structures which, temporarily, would be devoid of external treatments that improve visual character. Construction of tall structures includes the use of temporary towers and cranes, which could also interfere with existing view lines. All such construction activities could be visible from those vantage points with views of the Project Site and would result in a temporary change to visual character. Up and until the framing of the Project is complete, the impacts would be less than that of the Project and impacts would be the same as the Project once framing is complete. Accordingly, the Project construction impacts on visual resources would be less-than-significant.

(ii) Operation

1. Visual Character - Image and Value

The Project is generally consistent with the visual character of the surrounding area and would improve the aesthetic character of the Project site. The Project would provide new attractive retail and restaurant land uses along street frontages. Also, while the height, scale and massing of the proposed structures would increase as compared to the existing visual character of the area, the new development would be a visual improvement to the underutilized hotel use that currently occupies the Project Site. In addition, the proposed 65-story and 45-story buildings would be consistent with the height of the existing commercial buildings along 7th Street, Figueroa Street, Wilshire Boulevard and Francisco Street. The proposed buildings would introduce a new characteristic to the Project Site that would act to implement the urban design objectives and goals identified in the Central City Community Plan. Therefore, in addition to its overall general consistency with the visual character of the surrounding area, the proposed mixed-use buildings would improve the aesthetic character of the Project Site by introducing attractive, modern, high-rise residences, hotel uses, and office uses with pedestrian friendly commercial uses on the ground floor. Based on an evaluation of the Project's design at both the ground and upper levels, excluding signage, the Project would not be expected to degrade the visual quality of either the Project Site or the surrounding area. As a result, impacts related to the visual character, image and value of the Project Site would be less-than-significant.

2. Impacts to Visual Character

The Project Site is visible from the north and southbound Harbor Freeway, with the main features being Building A and Building B. Implementation of the Project would result in a substantial contrast to the existing visual character of the Project Site and would block views of certain buildings form the Harbor Freeway. However, despite the change in visual character of the Project Site, views from the Harbor Freeway would still be of mid- to high-rise buildings characteristic of the downtown area. Further, as vehicle move the fields of view would be constantly changing. In addition, location of wireless telecommunication facilities on the top of the buildings would not be a prominent visual feature discernible from the overall building mass. Therefore, Project impacts on the visual character of the Project Site from the Harbor Freeway would be less-than-significant, excepting signage.

Views of the Project Site from the distant south, from the distant east, and from the distant north are visible with the primary features being Building A and B. These buildings would introduce visually prominent structures on the Project Site and would result in a substantial change in the visual character of the Project Site. However, the distant field of views of the Project Site is relatively wide, providing views of mid- to high-rise buildings characteristic of the downtown area. Furthermore, due to the distance of these vantage points in relation to the Project Site and the backdrop of other high-rise buildings, which are characteristic of the downtown areas, additional high-rise buildings would not present a substantial change in visual character. In addition, location of wireless telecommunication facilities on the top of the buildings would not be a prominent visual feature discernible from the overall building mass. Therefore, Project impacts on the visual character of the Project Site from the distant south, distant east and distant north would be less-than-significant, excepting signage.

Views southwest, from the Bunker Hill District, looking towards the Project Site would primarily be of Building A. Similar to other distant viewpoints of the Project Site, due to the distance in relation to the Project Site and the backdrop of other high-rise buildings, which are characteristic of the downtown area, an additional high-rise building would not present a substantial change in visual character. In addition, location of wireless telecommunication facilities on the top of the buildings would not be a prominent visual feature discernible from the overall building mass. Therefore, Project impacts on the visual character of the Project Site southwest, from the Bunker Hill District, would be less-than-significant.

Views of the Project Site form the south would primarily feature Building A and the top portion of Building B. However, due to the distance of these vantage points in relation to the Project Site and the backdrop of other high-rise buildings characteristic of the downtown area, additional high-rise buildings, which are only partially visible from these vantage points, would not present a substantial change in visual character. In addition, location of wireless telecommunication facilities on the top of the buildings would not be a prominent visual feature discernible from the overall building mass. Therefore, Project impacts on the visual character of the Project Site from the south would be less-than-significant.

3. Scenic Resources/Views

The Project would have the potential to affect scenic vistas due to scale and massing. The Project Site and surrounding area are part of the downtown Los Angeles skyline, visible from locations fairly distant from downtown but hardly visible from within the downtown area. The proposed high-rise buildings would become prominent structures enhancing and adding to the downtown Los Angeles skyline and would not block views of other prominent buildings from locations north or south of the Project Site.

The Project would permanently alter public and private views from 7th Street, Francisco Street, Wilshire Boulevard and Figueroa Street by blocking views of certain surrounding buildings. Public views from the ground level and private views from various above-grade levels of surrounding residences would be permanently altered. Certain views looking through the Project Site to adjacent building and land uses would be permanently blocked. However, any available views are interrupted and are not expansive views. Dense development throughout the downtown area already obstructs any potential panoramic views that would be considered a scenic resource. Therefore, construction of the Project would not obstruct public views of scenic resources and impacts to public views would be less-than-significant. Further, as no standards or policies exist to protect private views within the immediate area, any blockage of private views would be less-than-significant.

4. Impacts to Historic Resources

In addition, the Project would not involve the demolition of any historic resources. The Project Site is not within the boundaries of a historic district although there are 207 historic resources within a half-mile radius. The closest historic resource is the Mullen Building/Historic Fire Station No. 28 located across Figueroa Street from the Project Site. As discussed in the Final EIR, the Project would not impact this historic resource as it would not be materially impaired. Therefore,

impacts related to visual character, image and value of historic resources would be less-than-significant.

(b) Land Use Equivalency Program

As described in the Final EIR, the Project would include a Land Use Equivalency Program to maintain flexibility of Project uses and floor areas in order to respond to changing needs of the economy. The exchange of office/commercial, retail, hotel and/or residential uses would be accomplished within the same building parameters. This exchange in the use of buildings would occur at limited locations within the Project Site, there would be no substantial variation in the Project's street configuration or relationship to the surrounding community and the development would be subject to the same design criteria. Therefore, visual resource impacts would be the same under the Land Use Equivalency Program as with the Project and would be less-than-significant, excepting signage.

(c) Design Flexibility Program

As described in the Final EIR, the design of the Project allows for flexibility in the final design within a determined set of parameters. Certain uses may end up on different parts of the Project Site than those identified in the conceptual plan. Regardless of the placement of buildings or uses within them, the visual environment of the Project Site, and views affected by the Project, would not be significantly different than those analyzed for the Project and would be less-than-significant, excepting signage.

IV. CUMULATIVE ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT

A. **Air Quality (Construction Impacts, Regional Emissions, Localized Emissions, Toxic Air Contaminants, Localized CO Concentrations, and Odors)**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project would create less-than-significant cumulative impacts with respect to certain regional construction emissions, regional operational emissions, localized emissions of CO, NOX, PM10 and PM2.5, toxic air contaminants, localized CO concentrations, odors, and AQMP consistency. Nonetheless, Mitigation Measure MM-1 has been adopted to further reduce the Project's contribution to less-than-significant cumulative construction impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) AQMP Consistency

According to *State CEQA Guidelines* Section 15064(h)(3), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated

waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Thus, for the cumulative air quality analysis with respect to State CEQA Guidelines Section 15064(h)(3), compliance with the SCAQMD's 2007 AQMP is used to determine the Project's incremental contribution to cumulative air quality impacts.

The Final EIR concluded that the Project would not increase the frequency or severity of existing air quality violations or cause or contribute to new air quality violations, and would be consistent with the SCAG population, housing and employment growth projections utilized to prepare the AQMP. The 2007 AQMP was prepared to accommodate growth, to reduce the high levels of pollutants within the areas under the jurisdiction of SCAQMD, to return clean air to the region, and to minimize the impact on the economy. Growth considered to be consistent with the 2007 AQMP would not interfere with attainment because this growth is included in the projections utilized in the formulation of the AQMP. Consequently, as long as growth in the Basin is within the projections for growth identified by SCAG, implementation of the 2007 AQMP will not be obstructed by such growth. Since the Project would not jeopardize attainment of air quality standards in the 2007 AQMP for the Basin and the Los Angeles County portion of the Basin, the Project would not have a cumulatively considerable contribution to this impact regarding a potential conflict with or obstruction of the implementation of the applicable air quality plan.

(b) Construction Emissions

With respect to determining the significance of the Project's contribution to regional construction emissions, the SCAQMD neither recommends quantified analyses of cumulative construction emissions nor provides methodologies or thresholds of significance to be used to assess cumulative construction impacts. According to the SCAQMD, individual construction projects that exceed the SCAQMD recommended daily thresholds for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in non-attainment.

The Final EIR concluded that construction of the Project would result in less-than-significant impacts due to emissions of VOC, CO, SO_x, PM_{10}, and $PM_{2.5}$ during all phases of construction. As such, the daily construction emissions associated with these criteria pollutants generated by the Project would not be cumulatively considerable, and the cumulative impact for these emissions (i.e., VOC, CO, SO_x, PM_{10}, and $PM_{2.5}$) would be less-than-significant.

Similarly, the Final EIR concluded that construction phase mass daily emissions of VOCs, CO, SO_x, PM_{10} and $PM_{2.5}$ would be less-than-significant with implementation of the Land Use Equivalency Program. As such, the daily construction emissions associated with these criteria pollutants generated by the Project would not be cumulatively considerable, and the cumulative impact for

these emissions (i.e., VOC, CO, SOx, PM_{10}, and $PM_{2.5}$) with implementation of the Land Use Equivalency Program would be less-than-significant.

(c) Regional Emissions

According to the SCAQMD, if an individual project results in air emissions of criteria pollutants (VOC, CO, NO_x, SO_x, PM_{10}, and $PM_{2.5}$) that exceed the SCAQMD recommended daily thresholds for project-specific impacts, then it would also result in a cumulatively considerable net increase of these criteria pollutants for which the region is in non-attainment under an applicable federal or state ambient air quality standard. The Final EIR concluded that operational emissions of criteria pollutants associated with the Project would not exceed the SCAQMD's thresholds of significance. As such, the daily operational emissions associated with the criteria pollutants generated by the Project would not be cumulatively considerable.

Similarly, the Final EIR concluded that implementation of the Land Use Equivalency Program and implementation of the Design Flexibility Program would result in less-than-significant impacts with respect to regional operational emissions. As such, the daily operational emissions associated with the criteria pollutants generated by the Project with implementation of the Land Use Equivalency Program and implementation of the Design Flexibility Program would not be cumulatively considerable.

(d) Toxic Air Contaminants

The Project and each of the related projects would generate some TAC emissions from stationary and mobile sources such as those identified for the Project. However, each of the related projects would be subject to the applicable rules adopted by the SCAQMD (primarily under Regulation XIV, Toxics and Other Non-Criteria Pollutants) that specifically serve to reduce the health risks associated with TAC emissions. With compliance with these rules, cumulative TAC emissions during long-term operations would be less-than-significant. As discussed previously, the amount of operational TAC emissions generated by the Project would not expose the most impacted (i.e., nearest) residential and worker locations to a cancer risk that exceeds the SCAQMD's risk threshold of 10 in one million or to an acute non-cancer hazard index that exceeds the SCAQMD's hazard index threshold of 1.0. In addition, impacts on the future Project residents with regard to lifetime cancer risk and chronic and acute non-cancer health effects associated with TAC emissions from the Harbor Freeway would also be less-than-significant. Overall, the contribution of the Project to cumulative TAC emissions would also be less-than-significant.

For these same reasons, based on the Final EIR's conclusion that implementation of the Land Use Equivalency Program would not result in significant TAC emission impacts, implementation of the Land Use Equivalency Program would not result in a significant cumulative TAC emission impact. The Final EIR also concluded the implementation of the Design Flexibility Program would result in the same less-than-significant impacts as the Project, since the land uses on the site would not change under the Design Flexibility Program, and any potential variations would not alter the character of the Project. Therefore, implementation of the Design Flexibility Program would not result in a significant cumulative TAC emission impact.

(e) Odors

The SCAQMD has identified land uses that are typically associated with odor complaints, including agriculture (farming and livestock), wastewater treatment plant, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. As neither the Project nor any of the related projects would include these land uses, the potential for these projects together to generate odor impacts would be low. In addition, if any related project had the potential to generate odor impacts, it would be required to comply with the SCAQMD's Rule 402 to implement Best Available Control Technology (BACT) to limit potentially objectionable odor impacts to a less-than-significant level. Therefore, the Project's odor effects would not be cumulatively considerable.
For these same reasons, neither the implementation of the Land Use Equivalency Program, nor the implementation of the Design Flexibility Program would result in significant cumulative odor impacts.

Localized CO Concentrations

Cumulative development is not expected to expose sensitive receptors in the Project area to substantial pollutant concentrations. As discussed in the Final EIR, the future 1-hour and 8-hour CO concentrations at the study intersections in 2020 in the Project area are based on the projected future traffic volumes from the study intersections contained in the traffic study, which takes into account emissions from the Project, future ambient growth, and related projects in the Project area. As the Final EIR's analysis demonstrated, future 1-hour and 8-hour CO concentrations near the study intersections would not exceed their respective federal or state ambient air quality standards. Therefore, CO hotspots would not occur near these intersections in the future, and this cumulative impact would be less-than-significant. It is also unlikely that future projects will result in long-term future exposure of sensitive receptors to substantial pollutant concentrations because CO levels are projected to be lower in the future due to improvements in vehicle emission rates predicted by the CARB. Therefore, the cumulative impact of the Project would be less-than-significant.

In addition, neither implementation of the Land Use Equivalency Program, nor implementation of the Design Flexibility Program would result in a significant cumulative impact due to CO concentrations. The Final EIR concluded that implementation of the Land Use Equivalency Program would result in the same less-than-significant, or lower, CO concentrations as the Project. CO impacts for the Project were determined based on afternoon peak hour traffic generation. Since the Land Use Equivalency Program was also determined based on afternoon peak hour traffic generation rates, implementation of any different land use scenario under the Land Use Equivalency Program would result in the same or less afternoon peak hour traffic generation as the Project. The Final EIR also concluded the implementation of the Design Flexibility Program would result in the same less-than-significant impacts as the Project, since the land uses on the site would not change under the Design Flexibility Program, and any potential variations would not alter the character of the Project. Therefore, implementation of the Design Flexibility Program would not result in a significant cumulative impact due to CO concentrations.

B. **Biological Resources**

Description of Significant Effects. As the Initial Study and Final EIR concluded, implementation of the Project would not cause significant cumulative impacts with respect to Biological Resources. Nonetheless, Project Design Feature PDF-1 and Mitigation Measures MM-1 through MM-3 have been provided to further reduce the Project's contribution to a less-than-significant impact.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding. All of the related projects are located in developed areas which are subject to the same Tentative Tract Map Guidelines that require that projects replace impacted trees. Therefore, Project impacts to biological resources would not be cumulatively considerable or significantly adverse when evaluated with related projects in the vicinity.

C. **Climate Change**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project would create less-than-significant cumulative impacts with respect to climate change. Project Design Features PDF-1 through PDF-5 have been adopted to further reduce the Project's contribution to less-than-significant cumulative climate change impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

In the absence of established quantitative thresholds to evaluate impacts associated with GHG emissions, consistency with adopted programs and policies to reduce GHG emissions has been suggested as a method to qualitatively evaluate the significance of cumulative impacts. Section 15064(h)(3) of the State CEQA Guidelines permits a finding that a project's effects would not be cumulatively considerable if the project would comply with the requirements in a previously approved plan or mitigation program specified in law. Therefore, the Final EIR used the Project's consistency with the goals of AB 32 to quantitatively assess the significance of potential cumulative impacts associated with GHG emissions.

The Final EIR's quantitative analysis of the Project's GHG emissions during construction and operation concluded that the Project would be consistent with the goal of AB 32 to reduce statewide GHG emissions by 28.5 percent by the year 2020. In addition to being consistent with goals of AB 32, the Project has committed to achieve LEED certification, and is targeting a LEED Silver rating by incorporating a variety of green building elements, which would further reduce emissions. The Final EIR's qualitative analysis further demonstrates that the Project would also be consistent with SB 375 and the City's Green Building Program. Therefore, the potential impact on global warming resulting from implementation of the Project would not be cumulatively considerable. Project Design Features PDF-1 through PDF-5 would further reduce the Project's contribution, and further justifies the conclusion that the Project's potential contribution to the global climate change impact would not be cumulatively considerable.

D. **Cultural Resources (Historic, Archaeological and Paleontological Resources)**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project would not cause significant cumulative impacts with respect to historic, archaeological or paleontological resources. Nonetheless, Mitigation Measures MM-1 through MM-6 have been provided to further reduce the Project's contribution to the less-than-significant impact.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Historic Resources

Cumulative impacts on historic resources evaluate whether impacts of the Project and related projects (see Section III [Environmental Setting] of the Final EIR), when taken as a whole, substantially diminish the number of historic resources within the same or similar context or property type. However, impacts to historic resources, if any, tend to be site-specific. It is anticipated that historic resources that are potentially affected by related projects would also be subject to the same requirements of CEQA as the Project. These determinations would be made on a case-by-case basis and the effects of cumulative development on historic resources would be mitigated to the extent feasible in accordance with CEQA and other applicable legal requirements. Therefore, the Project would not contribute to any potential cumulative impacts, and cumulative impacts on historic resources would be less-than-significant.

(b) Archaeological Resources

Development of the Project in combination with the related projects listed in Section III of the Final EIR would result in the increased potential for encountering archaeological resources in the Project vicinity. The potential that one or more of these related projects might encounter archaeological resources during the course of development is determined by such factors as whether prehistoric human presence had occurred at any given related project site and the type of proposed development activities at that site.

It is not known at this time if future development of the related project sites would involve cultural resources. However, similar to the Project, the related projects would be subject to the requirements of CEQA, and City archeological resource protection ordinances. As such, the related projects would be evaluated on a case-by-case basis and any potential impacts to archeological resources would be addressed at that time. It is further anticipated that the effects of cumulative development on archeological resources would be mitigated to the extent feasible in accordance with CEQA and other applicable local cultural resource protection ordinances. If subsurface cultural resources are protected upon discovery as required by law, impacts to those resources would be cumulatively less-than-significant and, thus, when evaluated in conjunction with the Project, would not be cumulatively considerable.

(c) Paleontological Resources

Development of the Project in combination with the related projects listed in Section III of the Environment Impact Report would result in the increased potential for encountering paleontological resources in the Project vicinity. The potential that one or more of these related projects might encounter paleontological resources during the course of development is determined by such factors as whether potential paleontological resources are present on any given related project site, and the type of proposed development activities at that site.

It is not known at this time if future development of the related project sites would involve paleontological resources. However, similar to the Project, the related projects would be subject to the requirements of CEQA, and City paleontological resource protection ordinances. As such, the related projects would be evaluated on a case-by-case basis and any potential impacts to paleontological resources would be addressed at that time. It is further anticipated that the effects of cumulative development on paleontological resources would be mitigated to the extent feasible in accordance with CEQA and other applicable local cultural resource protection ordinances. If subsurface cultural resources are protected upon discovery as required by law, impacts to those resources would be cumulatively less-than-significant and, thus, when evaluated in conjunction with the Project, would not be cumulatively considerable.

E. **Environmental Hazards and Safety**

Description of Significant Effects. As the Final EIR concluded, the Project would not cause significant cumulative impacts with respect to Environmental Hazards and Safety.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

The geographic extent of the Project's environmental safety impacts would be limited to the Project Site and would not contribute to any potentially cumulative environmental safety impact that may occur beyond the Project Site boundaries. Whether or not the related projects identified in the Environmental Setting section are located on sites that are contaminated and the degree to which these projects would use, transport, store, and dispose of hazardous materials is unknown. However, if the sites are contaminated, the applicants of those projects would be required by regulatory agencies to implement measures appropriate for the type and extent of contamination present and the land use proposed to reduce the risk associated with the contamination to an acceptable level. Additionally, similar to the Project, all use, transport, storage, and disposal of hazardous materials would be required to occur in accordance with manufacturers' instructions and existing regulations. Therefore, cumulative impacts related to environmental safety would be less-than-significant.

F. **Hydrology & Water Quality**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project would not cause significant cumulative impacts with respect to hydrology or water quality. Project Design Features PDF-1 through PDF-25 have

been incorporated into the Project to further reduce its contribution to the less-than-significant cumulative impact.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Surface Water

The Project Site and surrounding areas, including the locations of the related projects, consist of primarily impervious surfaces due to existing development and poor soil-infiltration conditions in the Project area. Because of these conditions, the volume of runoff in the Project area during a storm event would not be likely to change substantially, resulting in no or little need for additional storm drain capacity. Similar to the Project, each of the related projects would be evaluated to determine the degree to which these developments would increase or decrease runoff from the sites and the need for additional storm drain capacity. Through these evaluations, if it is determined that additional storm drain capacity is needed, the applicants for the respective related projects would be required under existing regulations to upgrade the system as necessary to accommodate their projects. Because the Project's post-development need for storm drain capacity would be the same as under the existing condition, it can be accommodated by the existing system. Therefore, the Project's contribution to any potential cumulative surface water hydrology impact would not be cumulatively considerable.

The Final EIR assessed the Project's cumulative water quality impacts by considering its incremental contribution to cumulative water quality impacts to the LARFCC and Ballona Creek in light of the effectiveness of the project design features to meet or exceed water quality standards, and by considering whether the Project and future development in the area would comply with specific requirements in a previously approved ordinance, plan, or mitigation program (such as the LARWQCB Basin Plan, the California Toxics Rule, the MS4 Permit, the Construction General Permit, or the General Dewatering Permit) that have been adopted for the purpose of avoiding or substantially lessening the cumulative water quality and hydrologic impacts within the geographic area in which the Project is located.

The Final EIR concluded that the quality of runoff associated with the Project would not cause or contribute to a violation of the water quality standards in the Project's receiving waters, or otherwise create pollution or contamination, cause a nuisance, or adversely affect beneficial uses in the receiving water. Therefore, with compliance with all applicable laws, rules, and regulations, cumulative development would not result in a considerable contribution to any water quality impacts.

Like the Project, future development projects within the Project area are likely to be subject to more stringent BMPs than those that are in use under the existing conditions. As such, it is possible that future development would improve the quality of water draining from the area and infiltrating into the groundwater. Moreover, because the related projects also are located generally in an already highly urbanized area, other changes or development are not likely to cause substantial changes in regional surface water quality. In addition, it is anticipated

that such projects would also be subject to SUSMP requirements and implementation of measures to comply with TMDLs, as well as requirements of the Low Impact Development ordinance if adopted. Also, increases in required regional controls would improve regional water quality over time. Each related project would be evaluated individually to determine appropriate BMPs and treatment measures to avoid impacts to water quality.

(b) Ground Water

Construction and post-construction activities associated with related projects could involve temporary or permanent dewatering operations. To the extent that these operations take place within the adjudicated basin in which the Project Site is located, they would be subject to the same requirements for compliance with the regulations and procedures of the basin that would ensure that activities associated with the related projects would not directly change potable water level sufficiently to reduce the ability of a water utility to use the groundwater basin for public water supplies, conjunctive use purposes, storage of imported water, summer/winter peaking, or to respond to emergencies and drought; or reduce yields of adjacent wells or well fields (public or private). If localized groundwater is encountered during the Project's excavation phase, the groundwater encountered is anticipated to be perched water, which may require dewatering during grading operations. Long-term dewatering during the Project's construction phase would not be required. Additionally, because the Project Site is almost completely impervious, the site is not suitable for groundwater recharge; the Project would not change this condition. Therefore, the Project would not contribute to significant cumulative effects with respect to groundwater hydrology. To the extent that operations take place outside of the adjudicated basin in which the Project Site is located, the Project would have no potential to contribute to significant cumulative impacts within these areas.

The Final EIR also concluded that Project impacts related to groundwater quality and recharge would be less-than-significant. The related projects are unlikely to cause or increase groundwater contamination because existing statutes prohibit contamination of groundwater by existing and future land uses and also require remediation of existing contamination. In light of existing statutes that apply to the Project and other related projects, and the Project's water quality control measures, the Project's contribution to groundwater quality impacts would not be cumulatively considerable and, therefore, would be less-than-significant. In addition, cumulative impacts to groundwater quality would be less-than-significant, as the Project is not anticipated to affect the rate or direction of movement of existing contaminants; expand the areas affected by contaminants; increase the level of groundwater contamination (including that from direct percolation, injection or saltwater intrusion); or cause regulatory water quality standards of existing production wells to be violated as defined in the California Code of Regulations, Title 22, Division 4, Chapter 15 and the Safe Drinking Water Act.

As such, cumulative impacts to surface and ground water quality would be less-than-significant.

G. **Land Use: Planning**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause significant cumulative impacts with respect to Land Use. No project design features related to land use plans and zoning are proposed. Mitigation Measure MM-1 has been provided to reduce the Project's signage impact to less-than-significant.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

Cumulative land use impacts could occur if other related projects in the vicinity of the Project Site would result in land use impacts in conjunction with the Project. A total of 92 Related Projects were identified that could potentially contribute to the cumulative effects of the Project (as listed in Section III [Environmental Setting] of the Draft EIR). Development of the Project in conjunction with nearby related projects would result in an intensification of existing prevailing land uses within the downtown area. This trend would be consistent with regional and local plans and policies that promote development of high-density nodes in Downtown Center areas. The Related Projects would be required to either generally conform to the zoning and land use designations for each site or be subject to specific findings and conditions which are based on maintaining general conformance with the land use plans applicable to the area. As such, development of the Project and Related Projects is not anticipated to substantially conflict with the intent of the City's General Plan regarding the future development of the downtown area, or with other land use regulations required to be consistent with the General Plan and Planning and Zoning Code. Development of the Project, in conjunction with the Related Projects, would not be expected to result in cumulatively considerable impacts with respect to land use regulations. Therefore, the Project would not have a significant cumulative impact as to land use plans.

H. **Land Use: Physical**

Description of Significant Effects. The implementation of the Project would not cause significant cumulative impacts with respect to Physical Land Use.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

Cumulative physical land use impacts could occur if the Project and one or more of the related projects identified in Section III of the Draft EIR causes a physical land use impact on one of the uses that surrounds the Project Site (i.e., the affected area would be impacted by both the Project and a related project). Development of the Project in combination with the related projects would result in an intensification of existing prevailing land uses in the Project vicinity. All of the related projects are subject to zoning and land use designations for the applicable City or county jurisdiction for each of the related projects' sites. These requirements would regulate future land uses and provide development standards for such land uses that would preclude potential land use compatibility impacts. Therefore, the Project would not combine with the related projects to create a significant cumulative impact with respect to land use, density, or building height compatibility and cumulative physical land use impacts would be

less-than-significant. With respect to signage, Project signage would combine with related projects to produce a concentration of signage along Wilshire Boulevard and Figueroa Street; however, the Final EIR found that it would not cause impacts related to physical land use on surrounding uses. Therefore, the Project would not combine with the related projects to create a significant cumulative impact with respect to signage that would disrupt, divide, or isolate the surrounding areas and cumulative physical land use impacts would be less-than-significant.

I. **Light and Glare: Artificial Light and Glare**

Description of Significant Effects. The Project would have the potential to alter lighting patterns in the area of the Project Site. Impacts on specific light-sensitive receptors, specifically surrounding residential uses and routinely usable outdoor spaces associated with commercial or institutional uses, would result from the Project. However, Project Design Features PDF-1 through PDF-6 and Mitigation Measures MM-1 through MM-14 would reduce impacts related to artificial light and glare as a result of the buildout of the Project to a level of less-than-significant.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

Related projects are currently planned in close proximity to the Project Site. These related projects include office, residential, hotel, and retail land uses. Cumulatively, the related projects and background growth would continue to redevelop existing land uses and contribute to increased nighttime illumination levels in the Project Site area. This would be consistent with policies of the *City of Los Angeles General Plan Framework* and *Downtown Design Guide* for the area, provided that projects are subject to further design review to ensure consistency with applicable design guidelines. In addition, such increased illumination levels would continue the trend established throughout the downtown area. Cumulative development would be subject to additional assessment of lighting impacts at the time of project proposal. Ambient nighttime light levels would likely increase in the Project Site area, which could spill over onto, illuminate, and/or visually distract neighboring residential, motel, and commercial uses and their occupants. Mitigation of impacts on a project-by-project basis would help reduce light and glare impacts resulting from related projects, however, the cumulative impacts may be significantly unavoidable. Furthermore, it should be noted that mitigation measures are implemented on a project-by-project basis and impacts may result due to a related project disregarding implementation. Although increased light and glare in the area is consistent with the urban character of downtown, it is conservatively concluded that cumulative light and glare impacts would be significant. With implementation of the mitigation measures and project design features identified in the Final EIR, impacts related to artificial light and glare as a result of the buildout of the Project would be less-than-significant.

J. **Light and Glare: Shade/Shadow**

Description of Significant Effects. The implementation of the Project would not cause significant cumulative impacts with respect to shade/shadow. No project

design features related to shade and shadow are proposed. No significant impacts related to shade and shadow have been identified, and no mitigation measures are required.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

The Project Site and surrounding area are situated in a high-density, high-rise, mixed-use area of downtown Los Angeles. Development of the Project would result in an increase of shading impacts in the Project Site vicinity. The Project analysis considers the impacts of existing shadows, even though it is not required under the *L.A. CEQA Thresholds Guide*, providing a more conservative analysis of cumulative shadows. A cumulative shading impact may occur if a related project were constructed adjacent to or near the Project and resulted in a shadow overlap such that the new combined shadow would be cast upon shadow-sensitive uses in excess of the threshold. The only related projects which are located in close enough proximity to the Project Site to potentially result in a cumulative shade-shadow impact would be a condominium development (i.e., Related Project No. 13), two mixed-use developments (i.e., Related Project Nos. 36 and 37), the Witmer Project (i.e., Related Project No. 50), and two office developments (i.e., Related Project Nos. 85 and 92). Similar to the Project, each of the Related Projects would be evaluated to determine the degree to which these developments would create shading impacts. Individuals residing in a downtown high-rise district are considerably less sensitive to the effects of a densely developed urban environment (with inherent shade and shadow impacts), as compared to residents of an urban neighborhood with low-rise structures. Furthermore, additional shadows create an incremental contribution in such a high-density, high-rise structure area, such as the Downtown area, where there are already extensive shadows. Therefore, the Project would not result in a cumulatively significant shade and shadow impact.

K. **Noise (Vibration and Operational Noise)**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project, together with the project design features and mitigation measures would not cause significant cumulative impacts with respect to operational noise or groundborne vibration impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Noise

(i) Construction Groundborne Vibration

Because groundborne vibration decreases rapidly with distance, potential vibration impacts due to construction activities are generally limited to buildings/structures that are located in close proximity of a construction site (i.e., within 100 feet). The nearest related project is approximately 175 feet away from the Project Site. Therefore, due to the rapid attenuation characteristics of

groundborne vibration, there is no potential for Project construction to result in a cumulative construction impact with respect to groundborne vibration.

(ii) Operational Noise

1. Off-Site Roadway Noise

The Project and other related development in the area would produce traffic volumes (off-site mobile sources) that would generate roadway noise. Cumulative noise impacts due to off-site traffic were analyzed by comparing the projected increase in traffic noise levels from "existing" conditions to "future cumulative" conditions to the applicable significance criteria. Future cumulative conditions include traffic volumes from future ambient growth, and related development projects, with and without the Project. Cumulative traffic volumes would result in a maximum increase of 2.4 dBA CNEL along Francisco Street between 7th Street and Wilshire Boulevard, which is adjacent to the Project Site. At all other analyzed roadway segments, the increase in cumulative traffic noise would be lower. The highest increase along a roadway segment with noise-sensitive uses would be 1.7 dBA CNEL. All of the cumulative noise level increases would be negligible in the existing noise environment. In addition, all of the increases would be less than the 3 dBA significance threshold, which is an increase that is barely perceptible to the human ear. For all of these reasons, the Project's contribution to noise impacts due to off-site mobile noise sources (vehicular traffic) would not be cumulatively considerable.

Cumulative off-site traffic noise impacts were also analyzed based on the Project's Alternate Traffic Impact analysis. The cumulative traffic volumes based on the Project Alternate Traffic Impact analysis would result in a maximum increase of 3.6 dBA CNEL along Francisco Street between 7th Street and Wilshire Boulevard. The increase in noise level along Francisco Street would be below the 5 dBA CNEL significance threshold and thereby would remain within the "normally acceptable" category. The increase in cumulative traffic noise at all other analyzed roadway segments would be below the significance threshold of 3 dBA CNEL. As such, the Project's contribution to noise impacts due to off-site mobile noise sources (vehicular traffic) would not be cumulatively considerable.

2. On-Site Stationary Noise

Noise levels from stationary sources would be less-than-significant at the property line for each related project due to the City's requirements that limit noise from on-site stationary-source noise such as outdoor air-conditioning equipment. Since the Project's on-site stationary sources' (i.e., building mechanical equipment, parking facility, and outdoor services) impacts would result in less-than-significant impacts, stationary-sources noise impacts attributable to cumulative development of the related projects and the Project would also result in less-than-significant impacts.

3. Helistop Noise

The Project's helistop would contribute to the overall cumulative noise. However, the Project's helistop operation related noise would be a minimum of 23.5 dBA below the existing ambient noise levels (in terms of CNEL levels), which would not increase the ambient noise levels in the vicinity of the Project Site.

Therefore, the Project's contribution to noise impacts due to helistop operations would not be cumulatively considerable.

L. **Population, Housing and Employment**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause significant cumulative impacts with respect to population, housing and employment.

Finding. The City Adopts CEQA Finding 1

Facts in Support of Finding. The Project would result in a net increase in employment on the Project Site of up to approximately 4,291 employees, and the related projects would generate approximately 21,222 jobs. The addition of 25,513 jobs is within the year 2005 to 2020 SCAG employment forecast for the City of Los Angeles, representing approximately 20 percent of expected growth. As such, cumulative growth within the region would be consistent with SCAG projections for the City of Los Angeles. The Project, therefore, would not be cumulatively considerable and would result in a less-than-significant cumulative impact related employment.

The Project would result in an increase of up to 100 residential dwelling units. The related projects would develop approximately 26,684 new units within the Project area. SCAG forecasts the addition of approximately 179,440 households within the City from 2005 to 2020. The Project combined with the related projects represents approximately 14.9 percent of the housing growth. Therefore, the Project and related projects' additional housing units would be within the SCAG forecast and impacts resulting from the increased housing would be less-than-significant.

The construction of up to 100 additional residential dwelling units on the Project Site would be expected to result in an increase in approximately 189 net permanent residents in the City of Los Angeles. Development of the Project combined with the related projects would result in a cumulative population growth of approximately 79,307 residents, which would be within the growth forecasts presented by SCAG for the City of Los Angeles of 248,937 from 2005 to 2020. Both the Project's and the related projects' combined contribution to this growth would represent approximately 31.9 percent of the total. Therefore, cumulative impacts related to population would be less-than-significant.

M. **Public Services: Fire**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause cumulative significant impacts with respect to fire services. Nonetheless, Mitigation Measures MM-1, MM-2, MM-3, MM-4, MM-5, MM-6, MM-7 and MM-8, have been provided to further reduce the Project's contribution to the less-than-significant impact.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

Implementation of the Project in combination with the related projects would further increase the demand for fire protection services in the Project area. Specifically, there would be increased demands for additional LAFD staffing, equipment, and facilities over time. This need would be funded via existing mechanisms (i.e., property taxes, government funding) to which the Applicant of the Project and the applicants of the related projects would be required to contribute. The Project Site is currently served by Fire Station No. 3, with supplemental fire services provided by Fire Station No. 9, Fire Station No. 10, and Fire Station No. 4. Of the 92 related projects, 18 related projects would also be primarily served by Fire Station No. 3. Eleven related projects would be primarily served by Fire Station No. 9, 24 related projects would be primarily served by Fire Station No. 10, and 12 related projects would be served by Fire Station No. 4. Any project with a residential component that is located more than 1.5 miles from the nearest LAFD engine or truck company, LAMC Section 57.09.06 would require the installation of automatic fire sprinkler systems in order to compensate for the additional response distance. Therefore, each of the related projects would be required to install automatic fire sprinkler systems if located at a distance to the nearest fire station that exceeded the LAFD required response distance. Overall, as the Project would have a less-than-significant impact with implementation of the required mitigation measures, the Project would not combine with related projects to create a cumulative impact to fire protection services. With both the Project and related projects' adherence to all applicable local and state fire regulations, cumulative impacts with respect to fire services would be less-than-significant.

N. **Public Services: Police**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause cumulative significant impacts with respect to police services. Nonetheless, City Standard Mitigation Measures MM-9, MM-10 and MM-11, have been provided to further reduce the Project's contribution to the less-than-significant impact.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

Implementation of the Project in combination with ambient growth and the related projects would further increase the demand for police protection services in the Project area. The Project is located within the Central Area, which has an existing police service population of approximately 31,849 persons. Estimated Cumulative Police Service Population, the residential population associated with the Project, ambient growth, and the related projects in the Central Community Police Service Area would result in a 45,236-person cumulative increase in the police service population for the Central Community Police Station. Based on this additional population and the preferred ratio of one officer per 1,000 residents, the additional population resulting from buildout of the Project and the related projects would require 45 additional officers. As the related projects are developed it may be necessary to provide a new, expanded, consolidated, or relocated police facility. Similar to the Project, each of the related projects would be individually subject to LAPD review, and would be required to comply with all applicable safety requirements of the LAPD and the City in order to adequately address police protection service demands. Furthermore, each related project

would also contribute additional tax revenue or fees that could be used for commensurate expansion of police services and the hiring of additional police officers as needed by the LAPD. Therefore, cumulative impacts with respect to police protection services would be less-than-significant.

O. **Public Services: Schools**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause significant cumulative impacts with respect to schools. Nonetheless, Mitigation Measure MM-12 has been provided to further reduce the Project's contribution to the less-than-significant impact.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

Of the 92 related projects, the Project shares school services with 64 related projects. The 64 related projects have the potential to generate students and would produce a total of approximately 3,514 elementary school students, 1,645 middle school students, and 1,831 high school students that would attend the same local elementary, middle, and senior high schools as those generated by the Project. It is likely that some of the students generated by the related projects would already reside in areas served by the LAUSD and would already be enrolled in LAUSD schools. The related projects would generate additional students at Castelar Elementary, Gratts Elementary, Liechty Middle School, and Belmont Senior High School. This would result in a potentially significant cumulative impact on school services. However, LAUSD is aware of the overcrowded conditions at area schools and has four schools, Central Los Angeles New Learning Center #1 ES/MS/HS, Central Los Angeles Area New Middle School #3, Central Los Angeles Area New High School # 9, and Gratts New PC planned for construction to alleviate the overcrowded conditions. Further, similar to the Project, the applicants of the related commercial and residential projects would be expected to pay required developer school fees to the LAUSD to help reduce any impacts they may have on school services. Pursuant to SB 50, payment of developer fees is deemed to provide full and complete mitigation of school facilities impacts. The payment of these fees by the Project and the related projects would be mandatory. Therefore, cumulative impacts to LAUSD schools would be less-than-significant.

P. **Public Services: Parks and Recreation**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause significant cumulative impacts with respect to parks and recreation. Nonetheless, Mitigation Measure MM-13 has been provided to further reduce the Project's contribution to the less-than-significant impact.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

Implementation of the Project in conjunction with the 92 related projects would further increase demand for park services. While the increase in employees generated by the commercial projects would not typically enjoy long periods of time during the workday to visit parks and/or recreational facilities, the increase in residential population by the related projects would increase the demand for parks and recreation facilities and further impact the shortage of park/recreational space in the Central City area. Future impacts on park facilities would be partially mitigated through the collection of park fees on new development and the provision of parkland. In accordance with *State CEQA Guidelines* Section 15130(a)(3), the Proposed Project's contribution to the cumulative impact would be rendered less than cumulatively considerable through adherence to the City's impact fee program for new development. Similarly, cumulative impacts would be further mitigated through payment of applicable parkland fees. Adherence to the requirements of this program would constitute implementation or funding of the Project's fair share of measures designed to alleviate the cumulative impact. Therefore, the potential cumulative impacts related to parks and recreational facilities would be reduced to a less-than-significant level.

Q. **Public Services: Libraries**

Description of Significant Effects. As the Final EIR concluded, the implementation of the Project would not cause significant impacts with libraries.

Finding. The City Adopts CEQA Finding 1.

Facts in Support of Finding.

Implementation of the Project in combination with the 92 related projects would be expected to further increase demand for library services in the Project vicinity. However based on estimated library service area population, the Central Library would meet the proposed new branch building size criteria. With the implementation of LAPL recommended per capita mitigation fees, project impacts to library facilities would be reduced. As such, cumulative impacts generated by the related projects with respect to libraries would be less-than-significant.

R. **Transportation/Traffic (Intersections, Freeway Segments, Regional Transit, Construction-Related Street Use, Project Site Access (Bicycle, Pedestrian, Vehicular Safety), On-Off Ramp, Parking)**

Description of Significant Effects. As analyzed in the *Transportation Study for the Wilshire Grand Redevelopment Project* (April 2010) and concluded in the Final EIR implementation of the Project would not cause significant cumulative impacts with respect to construction related street use, traffic on freeway segments, regional transit, project site access regarding bicycles, pedestrians and vehicular safety, on- and off-ramps, and parking. Nonetheless, mitigation measures have been provided to further reduce the Project's contribution to the less-than-significant impact.

Finding. The City adopts CEQA Finding 1

Facts in Support of Finding. Cumulative impacts with regards to freeway segments, regional transit, and on- and off-ramps were analyzed using a traffic model that forecasted the traffic increased due to ambient growth and 92 related

projects through the year 2020 (the full build-out year of the Project). With the implementation of various mitigation measures and project design features, the Project's cumulative impacts to freeway segments, regional transit, and on- and off-ramps will be less-than-significant.

With regard to construction related street uses, the majority of the related projects listed are not located in proximity to the Project Site, and may or may not be developed within the same construction schedule as the Project. Due to the distance of the related projects to the Project Site, and because construction activities would be temporary, any temporary partial lane closures or construction traffic impacts that the Project may require along Figueroa Street and Francisco Street would not necessarily affect the same vehicles and pedestrians that would be affected by any partial lane closures or construction traffic resulting from the related projects. Although a cumulatively considerable impact would be conceivable as a result of the Project's implementation, each of the related projects would be required to submit a construction work site traffic control plan to LADOT for review and approval prior to the start of any construction work. The plan would show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs, and access to abutting properties. Therefore, with the related projects adhering to LADOT's requirements and with implementation of mitigation measures, the Project's impact on the cumulative construction-related street use impacts would be less-than-significant.

With regard to project site access regarding bicycles, pedestrians and vehicular safety, the Project includes safety measures that would minimize potential bicycle, pedestrian, and vehicular conflicts, and impacts would be less-than-significant. With implementation of the safety measures, the Project's potential contribution to any cumulative conflict issues would not be considerable. Therefore, cumulative impacts related to bicycle, pedestrian, and vehicular safety would be less-than-significant.

With regard to parking, the Project, with implementation of Mitigation Measure MM-1, the amount of parking provided would be adequate, and impacts related to parking would be less-than-significant. Additionally, the development of related projects in the vicinity of the Project would be required to comply with LAMC parking requirements. However, the degree to which the related projects would provide adequate parking is unknown. Nonetheless, because the Project would provide adequate parking, the Project would not have the potential to contribute to any cumulative impacts related to parking.

S. **Utilities: Water**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project would not cause significant cumulative impacts with respect to water. Project Design Features PDF-1 through PDF-13 have been provided which further reduce the Project's contribution to a less-than-significant impact.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Water Supply

Implementation of the Project in conjunction with regional growth in the City would increase demand for the water supplied by the LADWP. The LADWP continues to rely on the MWD to meet its current and future supplemental water needs and has worked with the MWD to develop a framework to allocate water supplies during periods of shortage as well as surplus. Even during shortages, MWD expects that it will be able to meet its member agencies' long-term needs through a combination of actions, including water-transfer programs, outdoor conservation measures, and development of additional local resources, such as recycling, brackish water desalination, and seawater desalination. MWD takes into consideration anticipated water demands of the LADWP and states that MWD's water supplies are fully reliable to meet the demands of its customers (including the LADWP) in all hydrologic conditions through at least 2025. As such, cumulative water supply impacts would be less-than-significant.

(b) Water Infrastructure

Through the Ten-Year Capital Improvement Program, the Water Services Organization can provide reliable sources of water to the residents of the City, as in the Draft EIR Section IV.J.1. As there are no known infrastructure deficiencies in the Project vicinity, it is anticipated that the local water infrastructure serving the Project Site could adequately accommodate the increased demand to serve the proposed and related projects. As such, cumulative water infrastructure impacts would be less-than-significant.

T. **Utilities: Sewer**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project would not cause significant cumulative impacts with respect to sewer service or wastewater. Project Design Features PDF-14 through PDF-16 have been provided which further reduce the Project's contribution to a less-than-significant impact.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

(a) Treatment Capacity

The Project, in conjunction with related projects identified in this Final EIR and other expected growth within the area served by the HTP would result in cumulative increases in wastewater generation. However, increased wastewater flows throughout the HTS are addressed in the IRP, which has laid out a plan to ensure that existing wastewater processing facilities are sufficient to handle projected flows through 2020. If expansion of existing facilities is required, the environmental impacts of this activity already have been addressed in the Draft and Final EIRs prepared for the IRP. Therefore, cumulative impacts to wastewater treatment capacity would be less-than-significant.

(b) Conveyance Infrastructure

Implementation of the Project in combination with the related projects would increase the demand for wastewater conveyance infrastructure and treatment

services provided by the LADWP. Sewer conveyance for the identified related projects would be provided by LABS. Each of the related projects would need to obtain a final approval from LABS for a sewer capacity connection permit. The sewer line capacity for each related project would be evaluated on a case by case basis and would be mitigated to the extent feasible in accordance with CEQA. Therefore, cumulative impacts on wastewater conveyance infrastructure would be less-than-significant.

U. **Utilities: Solid Waste**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project would not cause significant cumulative impacts with respect to solid waste. Project Design Features PDF-17 through PDF-22 have been provided which further reduce the Project's contribution to a less-than-significant impact.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

The Project, in conjunction with the related projects, would increase solid waste generation. Whereas in the past, solid waste disposal occurred solely within landfills located in the County, the trend in recent years is increased solid waste disposal at landfills located outside the County. The use of out-of-County landfills will increase in the future given the difficulties associated with permitting new or expanded landfill facilities within the County itself. As such, the proper current context within which to view the Project's potential solid waste impacts is total disposal capacity available at landfills located within, as well as outside of, the County. In addition, in order to satisfy the disposal capacity requirements of AB 939, the County is developing facilities utilizing conversion technologies.

Development of the Project and related projects would generate solid waste during their respective construction periods, and on an on-going basis following the completion of construction. Solid waste generation is expected to increase over existing conditions in the vicinity of the Project study area. It is anticipated that the Project and other related projects would not conflict with solid waste policies and objectives in the Source Reduction and Recycling Element (SRRE) or its updates, City of Los Angeles Solid Waste Management Policy Plan (CiSWMPP), the General Plan Framework Element or the Curbside Recycling Program, including consideration of the land use-specific waste diversion goals contained in Volume 4 of the SRRE, based on the programs in place to meet such diversion requirements. With the implementation of solid waste policies and objectives intended to help achieve the requirements of AB 939, it is expected that the Project and related projects would not substantially reduce the projected timeline for landfills within the region to reach capacity. As such, with respect to solid waste disposal capacity, cumulative impacts would be less-than-significant.

V. **Utilities: Electricity Supply**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project would not cause significant cumulative impacts with respect to electricity supply. Project Design Feature PDF-23 has been provided which further reduce the Project's contribution to a less-than-significant impact.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

Development of the Project in combination with the related projects growth in the greater City could create an increased demand for electricity supplied by LADWP. All new development in California is required to be designed and constructed in conformance with State Building Energy Efficiency Standards outlined in Title 24 of the CCR. It is possible that with implementation of some of the related projects and other development, the resulting demand for electricity supply could be the same or less than the existing condition. Nonetheless, LADWP undertakes expansion or modification of electrical service infrastructure and distribution systems to serve future growth in the City as required in the normal process of providing electrical service. Any potential cumulative impacts related to electric power service would be addressed through this process. Therefore, cumulative impacts related to electricity supply and infrastructure would be less-than-significant.

W. **Utilities: Natural Gas Supply**

Description of Significant Effects. As the Final EIR concluded, implementation of the Project would not cause significant cumulative impacts with respect to natural gas supply. Project Design Features PDF-24 through PDF-30 has been provided which further reduce the Project's contribution to a less-than-significant impact.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

Development of the Project in combination with the related projects and projected could create an increased demand for natural gas supplied by SCG. All new development in California is required to be designed and constructed in conformance with State Building Energy Efficiency Standards outlined in Title 24 of the CCR. Thus, it is possible that with implementation of some of the related projects and other development, the resulting demand for natural gas supply could be the same or less than the existing condition. Nonetheless, SCG undertakes expansion or modification of natural gas service infrastructure and distribution systems to serve future growth in the City as required in the normal process of providing natural gas service. Any potential cumulative impacts related to natural gas service would be addressed through this process. Therefore, cumulative impacts related to natural gas supply would be less-than-significant.

X. **Visual Resources (Construction, Visual Quality, Image and Value, Visual Character, Scenic Resources/Views, Historic Resources)**

Description of Significant Effects. As the Final EIR concluded, the Project would not cause significant cumulative impacts with respect to visual resources issues, excepting signage. Nonetheless, Mitigation Measures MM-1 through MM-3 have been provided to further reduce the Project's less-than-significant impacts.

Finding. The City adopts CEQA Finding 1.

Facts in Support of Finding.

Development of the Project Site in combination with other future projects in the immediately surrounding area could contribute to cumulative visual impacts, resulting in a gradual change in the perception of the Project Site and surrounding areas over time. However, the future development in the area surrounding the Project Site is anticipated to occur in accordance with adopted plans and regulations which plans anticipate intensification of existing uses. Furthermore, the development of the related projects is expected to be consistent with the height, mass, and visual character of the existing downtown area. Therefore, the Project in conjunction with the related projects would not result in a significant impact related to the visual character of the area, excepting signage.

V. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

Final EIR mitigation measures, project design features and conditions of approval imposed by the City on the Project will either avoid or provide substantial mitigation of the Project's identified significant environmental effects, however, certain environmental effects cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with CEQA Guideline 15093, a Statement of Overriding Considerations has been prepared to substantiate the City's decision to accept these unavoidable significant effects when balanced against the significant benefits afforded by the Project.

A. Air Quality (Regional Emissions – Construction Nitrogen Oxide)

Description of Significant Effects. The Final EIR concluded that the implementation of the Project would generate significant and unavoidable impacts relating to construction phase regional emissions of NOx.

Findings. The City adopts CEQA Findings 1, 2 and 3.

Facts in Support of Findings. The following facts, together with mitigation measures, indicate that the significant effects of the Project have been reduced or avoided to the extent feasible, but that certain significant air quality impacts are unavoidable.

Construction activities associated with the Project would include demolition of the existing buildings and subterranean parking garage and redevelopment of the Project Site with a maximum of 560 hotel rooms and/or condo-hotel units, 100 residential dwelling units, 1,500,000 square feet of office uses, and 275,000 square feet of Project-serving retail and restaurant uses, conference and meeting rooms, ballrooms, spa, fitness center, and ancillary hotel areas. The debris from the demolished lot would be exported to a landfill. The Project Site would be excavated and graded to accommodate the building foundation for the proposed building structures, and the excavated soil would be exported. The proposed residential, hotel, office, retail, and restaurant uses would then be constructed. Overall, construction activities at the Project Site would occur over an approximate 54-month period (not accounting for potential phasing), with construction beginning approximately in May 2011.

The Project's regional peak daily construction emissions were estimated utilizing the URBEMIS 2007 computer model recommended by the SCAQMD for each year of construction. That analysis concluded that the peak daily emissions of NOx generated during Project construction would be significant under the thresholds recommended by the SCAQMD during 2011 and 2012. Thus, the regional air quality impacts associated with the Project-related construction emissions of NOx would be potentially significant.

In addition, implementation of the Land Use Equivalency Program would result in significant construction emissions of NOx. Although the Land Use Equivalency program allows proposed land uses to be exchanged for other permitted land uses at the Project Site, the equipment mix and their respective operating hours for each of the various construction activities (e.g., demolition and abatement, shoring and tiebacks, excavation and export, garage construction, hotel construction, office construction, etc.) would remain the same. As such, while the overall duration of construction work associated with the future development of land uses under the Land Use Equivalency Program may potentially be longer than the Project depending on what land uses are exchanged, the peak day regional and localized construction emissions for each of the required construction activities would be essentially the same as for the Project. Therefore, construction phase mass daily emissions of NOx would be significant with implementation of the Land Use Equivalency Program.

The Project includes numerous project design features to reduce construction phase air pollutant emissions, including:

- Compliance with SCAQMD Rule 403 regarding fugitive dust,
- The required use of off-road equipment that meets Tier 2 emission standards, which will decrease PM and NOx emissions
- The required application of architectural coatings for the Project during construction will have a VOC rating of 125 grams per liter or less.
- Based on the VOC rating of the architectural coatings used for the Project during construction, a maximum amount of 60 pounds of VOC emissions are allowed to be emitted daily.

Further, Mitigation Measure MM-1 has been incorporated to reduce air pollutant emissions generated by heavy-duty diesel-powered equipment during the construction period. This mitigation measure will reduce construction emissions of NOX, but will not reduce them to a less-than-significant level. No other feasible mitigation measures have been identified to reduce this significant and unavoidable air quality impact to a less-than-significant level. While the project design features and the mitigation measure would serve to reduce NOx emissions associated with off-road equipment operating at the Project Site, there are currently no additional feasible mitigation measures to reduce the NOx emissions generated by the on-road sources (i.e., delivery trucks, haul trucks, concrete trucks, etc.) because it is neither within the Applicant's nor the City's authority to reduce on-road diesel engine NOx emissions; such restrictions on vehicle emissions are governed by the state. As such, the construction-related

NOx impacts associated with the construction of the Project would be significant and unavoidable.

B. **Transportation/Traffic (Intersections LOS, Project Site Access)**

Description of Significant Effects. As analyzed in the *Transportation Study for the Wilshire Grand Redevelopment Project* (April 2010) and concluded in the Draft EIR and Final EIR, the Project would create significant and unavoidable impacts at the intersections of: (i) Figueroa Street and 5th Street/Harbor Freeway on-ramps (afternoon peak hour); (ii) Figueroa Street and 6th Street/Harbor Freeway off-ramps (afternoon peak hour); (iii) Figueroa Street and Wilshire Boulevard (morning and afternoon peak hours); (iv) Flower Street and Wilshire Boulevard (morning peak hour); (v) Bixel Street and 7th Street (afternoon peak hour); (vi) Figueroa Street and 7th Street (morning and afternoon peak hours); and (vii) Bixel Street/Harbor Freeway southbound on-ramp and 8th Street (afternoon peak hour) and for Project Site Access.

Findings. The City adopts CEQA Findings 1 and 3.

Facts in Support of Findings. The following facts indicate that the significant Project impacts have been reduced or avoided to the extent feasible, but that certain significant impacts remain and are unavoidable.

(a) Intersections

The Project is forecasted to generate a total of 10,470 daily trips on a typical weekday, including approximately 1,174 morning peak-hour trips and 1,340 trips in the afternoon peak-hour. Since the Project replaces existing active land uses, it is expected to generate a net total of 1,454 daily trips on a typical weekday, including approximately 522 morning peak-hour trips and 552 afternoon peak-hour trips, accounting for trip reductions from the TDM program. This represents a reduction of 2,170 daily trips, including 278 trips in the morning peak hour and 306 trips in the afternoon peak hour from the proposed TDM program. Based on the City's significance thresholds criteria, the Project would create a significant impact at 7 of the 42 study intersections during the A.M. and/or P.M. peak hours after the implementation of mitigation measures. The City's Downtown Design Guide emphasizes pedestrian and transit improvements over automobile-oriented improvements such as street widening; hence, 7 intersections will have significant and unavoidable impacts.

Mitigation Measures MM-1 through MM-4 have been incorporated to reduce impacts to intersections. These mitigation measures will reduce such impacts at some intersections, but will not reduce all the impacts to less-than-significant at all intersections. The Project also includes project design features and mitigation measures which are intended to reduce traffic impacts, including the preparation and implementation of a TDM program that would promote alternatives, such as public transit, ride-sharing, bicycling and walking in order to reduce project trips and vehicle miles traveled.

The City determined that feasible mitigation measures are not available to mitigate the impacts at the seven intersections to a level of insignificance due to City requirements in the Downtown Design Guidelines that emphasize pedestrian orientation.

(b) Project Site Access

Under the proposed circulation plan, the Project would provide valet service restricted to right-turns only from 7th Street for the hotel land uses. Full vehicular access would be provided for all other land uses via a driveway on Francisco Street. At full buildout of the Project, Francisco Street would be restriped to a three-lane cross-section with one lane in each direction and a two-way left-turn lane. The intersections on both ends of Francisco Street, at Wilshire Boulevard and at 7th Street, are signalized locations, thus providing access from both directions on these streets. Access to shuttles and tour buses would be provided at grade level via a drop off area on Wilshire Boulevard. Figures II-4 and II-5 of the Final EIR depicts a drop off area on Wilshire Boulevard that is intended to be used for tour buses and shuttles. Pedestrian access to the Project Site would be provided from Wilshire Boulevard, Figueroa Street, and 7th Street. The sidewalk along 7th Street would be level and continuous, with vehicular access crossing over, so as to avoid a break in the sidewalk and minimize interruption to the pedestrian environment. A yield sign would be placed on the sidewalk to instruct drivers turning in and out of the driveway to yield to pedestrian traffic. Due to the circulation plan, the intersections of Figueroa Street and Wilshire Boulevard and Figueroa Street and 7th Street are projected to operate at LOS E and F during the morning and afternoon peak hours, respectively. Because the City's Downtown Design Guide emphasizes pedestrian and transit improvements over automobile-oriented improvements such as street widening; hence, impacts related to access would be significant and unavoidable.

C. **Visual Resources (Signage)**

Description of Significant Effects. As the Final EIR concluded, the Project would cause significant impacts with respect to visual resources, including visual character and scenic resources, related to signage. Mitigation Measures MM-4 through MM-8 have been provided to reduce the Project's impacts to the extent feasible, but impacts remain significant and unavoidable.

Findings. The City adopts CEQA Findings 1 and 3.

Facts in Support of Findings.

(a) Visual Character (Signage)

While the Project would reinforce an existing urban skyline, the change in character to a high-density mixed-use development that includes animated and static signs and electronic displays would represent a substantial change. Project signage could result in high-brightness illuminated surfaces that are directly visible from the surrounding area and create a significant change in visual character. The size and visibility of the proposed signage would introduce elements considered to detract from the visual character of the area. These elements would change the existing character of the area and therefore, the change in visual character due to signage would be substantial and impacts would be significant.

The Harbor Freeway is designated as a Scenic Freeway on the Central City Community Plan Map and the Project would have the potential to increase the

intensity and visual appearance of urban development including signage along the Harbor Freeway. It is conservatively concluded that impacts associated with signage from the Harbor Freeway would be significant.

The Project Site is visible from the distant south, east and north, particularly Building A and B and the Project signage within Sign District A and A-1. The signage permitted in Sign District A and A-1 could constitute high brightness illuminated surfaces and a substantial change in visual character. However, at the elevations at which Project signage could occur, the Project would occupy only a small part of the field of view at the periphery of the viewshed. Therefore, with a wide field of view that is available from distant views, the change in visual character would not be substantial. Furthermore, the visibility of the SUD would be intermittent and sporadic from various locations in outlying areas where a direct line of sight above building rooflines is available. Such views would be characterized as background views and thus would not be significantly impacted by the Project or by signage.

As shown in Figure IV.D-46 through IV.D.-57 of the Final EIR, due to the extent of buildings along the surrounding roadways, the primary view corridors that would be affected by the SUD are generally limited to the roadways and sidewalk areas on surrounding streets (Wilshire Boulevard, Figueroa Street, 7th Street, and Francisco Street). Project signage within Sign Districts A-1, A, and B, as such districts are described in the Final EIR, would be visible from these locations. Such signage could constitute high brightness illuminated surfaces and a substantial change in visual character of the immediate surrounding Project Site area. Due to proximity, visible signage would include Sign Levels 1, 2, and 4, as such levels are described in the Final EIR. Project signage could result in high-brightness illuminated surfaces that are directly visible from the surrounding area and create a significant change in visual character. From vantage points immediately surrounding the Project Site, certain signage would be directly viewable in the center of the viewshed, and the field of view would be focused on the signage. Because of the size and visibility of proposed signage, the Project would introduce elements that might detract from the visual character of the area, such as bright colors, radiant lighting, and an increase in signage relative to current signage levels. These elements would change the existing character of the area and result in significant impacts on visual character of the area related to Project signage. Similarly, the Final EIR analysis concluded that the change in visual character would be substantial when viewed from the Harbor Freeway and such impacts would be significant.

Although signage Mitigation Measures MM-4 through MM-8 are included, these would not reduce the impacts to a less-than-significant level. No other feasible mitigation measures are available to address the significant visual character impacts of the Project signage.

(b) Scenic Resources (Signage)

The Harbor Freeway is designated as a Scenic Freeway on the Central City Community Plan Map and the Project would have the potential to increase the intensity of urban development along the Harbor Freeway. While the Project would reinforce an existing urban skyline, the change in character to a development that includes animated and static signs and electronic displays would represent a substantial change. Project signage could result in high-

brightness illuminated surfaces that are directly visible from the surrounding area and create a significant change in scenic resources, including views from the Harbor Freeway. The size and visibility of the proposed signage would introduce elements considered to detract from the scenic views of the area. These elements would change the existing character of the area and therefore, the change in scenic resources due to signage would be substantial and impacts would be significant.

Although signage Mitigation Measures MM-4 through MM-8 are included, these would not reduce the impacts to a less-than-significant level. No other feasible mitigation measures are available to address the significant impacts on scenic resources of the Project signage.

VI. CUMULATIVE ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

Although modifications to the Project as originally proposed have occurred, and Final EIR project design features, mitigation and conditions of approval imposed on the Project will either avoid or provide substantial mitigation of the Project's cumulative contribution to identified significant cumulative environmental effects, the following environmental effects cannot be feasibly mitigated to a level of insignificance.

Consequently, in accordance with CEQA Guideline 15093, the SOC has been prepared to substantiate the City's decision to accept these unavoidable significant cumulative effects when balanced against the significant benefits afforded by the Project.

A. Air Quality (Construction Emissions)

Description of Significant Effects. The Final EIR concluded that the implementation of the Project would generate significant and unavoidable cumulative impacts relating to air quality due to construction emissions of NOX.

Findings. The City adopts Findings 1, 2 and 3.

Facts in Support of Findings. The following facts indicate that the significant project-level impacts have been reduced or avoided to the extent feasible, but that certain significant impacts remain and are unavoidable.

Construction of the Project and related projects would create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the Project Site. Mobile source emissions, primarily $PM_{2.5}$, PM_{10} and NO_x would result form the use of construction equipment

The Project includes numerous project design features to reduce construction phase air pollutant emissions, including:

- Compliance with SCAQMD Rule 403 regarding fugitive dust,

- The required use of off-road equipment that meets Tier 2 emission standards, which will decrease PM and NO_x emissions,

- The required application of architectural coatings for the Project during construction will have a VOC rating of 125 grams per liter or less.

- Based on the VOC rating of the architectural coatings used for the Project during construction, a maximum amount of 60 pounds of VOC emissions are allowed to be emitted daily.

Further, Mitigation Measure MM-1 has been incorporated to reduce air pollutant emissions generated by heavy-duty diesel-powered equipment during the construction period. This mitigation measure will reduce construction emissions of NO_x, but will not reduce them to a less-than-significant level. No other feasible mitigation measures have been identified to reduce this significant and unavoidable air quality impact to a less-than-significant level. While the project design features and the mitigation measure would serve to reduce to NO_x emissions associated with off-road equipment operating at the Project Site, there are currently no additional feasible mitigation measures to reduce the NO_x emissions generated by the on-road sources (i.e., delivery trucks, haul trucks, concrete trucks, etc.) because it is neither within the Applicant's nor the City's authority to reduce on-road diesel engine NO_x emissions; such restrictions on vehicle emissions are governed by the state.

Like the Project, construction projects Basin-wide, including each of the related projects, would be required to comply with the requirements of SCAQMD Rule 403, and to implement all feasible mitigation measures to reduce criteria pollutant emissions during the Project's construction period. In addition, they would be required to comply with adopted AQMP emissions control measures. Nevertheless, because construction-period NO_x regional emissions associated with the Project are already projected to result in a significant impact to air quality, cumulative impacts to air quality during Project construction would be significant and unavoidable. No further feasible mitigation measures have been identified to reduce the Project's cumulative significant and unavoidable impact due to construction-period NO_x regional emissions. As such, the construction-related NO_x impacts associated with the construction of the Project would be significant and unavoidable.

For the reasons stated in the SOC, the remaining unavoidable significant impact on air quality is outweighed by the Project benefits and is acceptable when balanced against the specific overriding economic, legal, social, technological or other considerations.

B. **Noise (Construction)**

Description of Significant Effects. The Final EIR concluded that the construction of the Project would generate significant and unavoidable cumulative impacts relating to construction noise.

Findings. The City adopts Findings 1 and 3.

Facts in Support of Findings. The following facts demonstrate that the significant project impacts have been reduced or avoided to the extent feasible, but that certain significant impacts remain and are unavoidable.

Four related projects are within 1,000 feet of the Project Site, including Related Project No. 36, a Mixed-Use Development at 1027 Wilshire Boulevard (approximately 600 feet from the Project Site), Related Project No. 10, a Residential Development at 1067 6th Street (approximately 900 feet from the Project Site), Related Project No. 44, a Mixed-Use Development at 1111 Wilshire Boulevard (approximately 1,000 feet from the Project Site), and Related Project No. 92, a Mixed-use Development at 755 Figueroa Street (approximately 175 feet from the Project Site). Noise from construction activities would normally affect the areas immediately adjacent to the Project Site, meaning those that are less than 500 feet from the construction site, due to sound attenuation provided by the distance and the intervening buildings located between the construction sites and the noise sensitive receptors. Therefore, the noise from construction activities for two projects within 1,000 feet from each other could contribute to a cumulative noise impact for receptors located between the two construction sites.

Since the timing of the construction activities for these related projects cannot be defined, any quantitative analysis that assumes multiple, concurrent construction projects would be entirely speculative. Construction activities from at least the four related projects would generate noise at each site and cumulative construction noise could exceed ambient noise levels at the nearest noise-sensitive uses. If construction of the nearest mixed-use developments were to occur concurrently with Project construction, the construction noise from these related projects could, in combination with the construction noise associated with the Project, contribute to a cumulative impact on the noise-sensitive receptors closest to these related project sites (the multi-family residential uses along Wilshire Boulevard and St. Paul Avenue, represented by R4).

In addition to the on-site construction activities, noise from off-site construction haul/deliver trucks could contribute to the cumulative noise impacts. As indicated in the Project transportation study (see Appendix IV.B), each project applicant would be required to prepare construction management plans and submit to LADOT for approval. The construction traffic management plans would be based on the nature and timing of the specific construction and other projects in the vicinity of the Project Site. Furthermore, each project applicant would be required to schedule construction-related deliveries, other than concrete and earthwork-related deliveries, to reduce travel during peak travel periods, which would minimize the noise impacts. Even so, if construction trucks from the related projects were to travel on the same routes and within the same hours as the Project, the Project's contribution to cumulative off-site construction related truck traffic noise impacts could be considerable.

Construction-related noise levels from the related projects would be intermittent, temporary, and would comply with time restrictions and other relevant provisions in the LAMC. As required of the Project, noise associated with cumulative construction activities would be reduced through proposed mitigation measures for each individual related project and through compliance with locally adopted and enforced noise ordinances. Similar to the Project, construction activities for each of the related projects would be required to comply with the City's allowable construction hours as described previously and would be temporary. Even so, if

construction of the nearest related projects were to occur concurrently with the Project's construction, the Project's contribution to cumulative construction related noise impacts could be considerable. Therefore, it is conservatively concluded that the Project's construction noise effects could be cumulatively considerable, even after mitigation. However, the occurrence of this impact is speculative at this time, as it would depend on the timing of the related projects' construction, which is currently unknown.

C. **Transportation/Traffic (Intersection LOS, Project Site Access)**

Description of Significant Effects. As analyzed in the *Transportation Study for the Wilshire Grand Redevelopment Project* (April 2010) and concluded in the Final EIR, the implementation of the Project would generate significant and unavoidable cumulative impacts relating to construction and operational traffic at intersections and Project Site access.

Findings. The City adopts Findings 1 and 3.

Facts in Support of Findings.

(a) Intersections

Implementation of the Project in conjunction with the regional traffic growth projections would increase the amount of traffic in the Study Area. The Final EIR showed that Future-with-Project cumulative condition would result in significant impacts at several intersections and that the Project would contribute to these impacts. Thus, the Project's contribution to impacts that would occur in the future cumulative conditions would be considerable, and cumulative impacts would be significant at these intersections. Although mitigation would reduce several of the significant impacts to less-than-significant, some of the impacts would remain significant because mitigation measures consistent with City policy emphasize pedestrian and transit improvements over automobile-oriented improvements such as street widening.

(b) Project Site Access

Implementation of the Project in conjunction with some of the related projects would increase the amount of traffic in the Study Area. As a result, impacts related to site access would be significant. Project Site access impacts would remain significant and unavoidable because mitigation measures are unavailable due to City restrictions at various affected intersections. Therefore, the Project's contribution to the cumulative impacts would be significant, and cumulative impacts related to site access would be significant and unavoidable.

D. **Visual Resources (Signage)**

Description of Significant Effects. As the Final EIR concluded, the Project would cause significant impacts with respect to visual resources, including visual character and scenic resources, related to signage. Mitigation Measures MM-4 through MM-8 have been provided to reduce the Project's impacts to the extent feasible, but impacts remain significant and unavoidable.

Findings. The City adopts CEQA Findings 1 and 3.

Facts in Support of Findings.

As discussed in the Final EIR, there is a possibility that future related projects could introduce SUDs to the downtown area within the same viewshed as the Project. These future proposed SUDs, similar to the Project, would set forth permitted and prohibited sign types, hours of operation, minimum spacing and application review requirements. However, future signage within the same view corridor as the Project would introduce elements considered detracting from the visual character of the area, such as bright colors, radiant lighting, and an increase in signage relative to the current signage levels in the area which would change the existing character of the area and create a significant impact. Therefore, signage introduced by the Figueroa and 7th SUD for the Project would be substantial and visual impacts associated with signage would be significant.

VII. ALTERNATIVES TO THE PROJECT

Wilshire Grand Redevelopment Project Objectives

The Project Objectives, as specified in the Final EIR, are:

- Maximize the redevelopment of an underutilized central downtown location with an infill, transit-oriented, mixed-use center consistent with local, regional, and state policies.
- Support regional mobility goals by locating new office, hotel, residential, and retail facilities in direct proximity to the regional transit system and transportation corridors.
- Assist in meeting state, regional, and local efforts to achieve greenhouse gas reduction goals through the construction of energy-efficient, mixed-use, transit-oriented infill projects that reduce vehicle miles traveled.
- Create a landmark mixed-use center that contributes to establishing a prominent downtown Los Angeles skyline that promotes downtown Los Angeles as the center of business activity in the region.
- Create a vibrant and exciting visual environment by incorporating creative electronic signage that will attract visitors and strengthen the connectivity between the financial and entertainment areas in downtown Los Angeles.
- Offer flexible land uses and floor areas to ensure that downtown Los Angeles can remain competitive given the changing needs of the Southern California economy.
- Generate additional bookings for large scale conventions and events at the Los Angeles Convention Center by providing new, four-star-plus hotel rooms within close proximity.

- Provide new state-of-the-art office facilities that complement the Financial Core and offer opportunities for corporations to relocate or expand operations in downtown Los Angeles.

- Improve the local and regional economy through job generation, increased tax revenues, and future expansion of the Convention Center.

- Contribute development that is consistent with the evolving development characteristics of downtown.

- Incorporate elements of sustainable development to promote the efficient use of energy and water.

- Fulfill adopted land use, economic, design and transportation policies.

GENERAL FINDINGS. Based on these findings, the Final EIR, and the whole of the administrative record, the City finds that the Final EIR analyzes a reasonable range of Project alternatives that would feasibly attain most of the basic objectives of the Project, and would substantially lessen any of the Project's significant impacts, and that the Final EIR adequately evaluates the comparative merits of each alternative. Specifically, the Final EIR considered the following alternatives: (1) No Project Alternative; (2) Reduced Density Alternative; (3) Phased Construction Alternative; (4) Office-Only Alternative; (5) Residential-Only Alternative; (6) Reduced Height Alternative; (7) Zoning Compliant Alternative; (8) Reduced Signage Alternative; and (9) Zoning Compliant Signage Alternative. Having weighed and balanced the pros and cons of each of the alternatives analyzed in the Final EIR, each of these alternatives, with the exception of the Reduced Signage Alternative, is hereby found to be infeasible based on the Final EIR's analyses, the Project Objectives, these CEQA findings, and economic, legal, environmental, social, and technological or other considerations, including the provision of employment opportunities for highly trained workers, of importance to the City, all as supported on the evidence contained the whole of the administrative record and the evidence and testimony presented in this matter. The Final EIR also identifies the alternatives that were considered but were rejected as infeasible during the scoping process and adequately explains the reasons underlying their rejection, including, without limitation, their failure to meet most of the Project's basic objectives, and/or their infeasibility.

ALTERNATIVE 1 – No Project Alternative. This Alternative is required by CEQA. Under the No Project Alternative, no new development would occur on the Project Site, and the existing Wilshire Grand Hotel and Centre would continue to operate in its current state. Thus, the physical conditions of the Project Site would remain as they are today. No new buildings would be constructed, and the existing Wilshire Grand Hotel and Centre would not be removed or altered. The existing building would continue to function as it does currently. Internal circulation and parking at the Project Site would also remain unchanged.

Impact Summary. The No Project Alternative would avoid all of the Project's less-than-significant and potentially significant and unavoidable impacts with the exception of operational VOC, NO_x, and CO impacts, which would be greater under the No Project scenario, because the existing Wilshire Grand Hotel and

Centre emits more daily regional operational air quality emissions than the Project would. The No Project Alternative would also not improve the quality of surface water runoff, as the Project would.

Finding. With this Alternative, all of the environmental impacts projected to occur from development of the Project would be avoided with the exception of operational VOC, NO_x, and CO impacts. In addition, this alternative would not improve the quality of surface water runoff, as the Project would. Therefore, this Alternative would to an extent be an environmentally superior alternative to the Project. However, this Alternative does not meet any of the Project's objectives. It is found pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in Section XI of these Findings (Statement of Overriding Considerations), make infeasible the No Project Alternative described in the Final EIR.

Rationale for Finding. The No Project Alternative would avoid all of the Project's less-than-significant and potentially significant and unavoidable impacts with the exception of operational VOC, NO_x, and CO impacts, which would be greater under the No Project scenario because the existing Wilshire Grand Hotel and Centre emits more daily regional operational air quality emissions than the Project would. The No Project Alternative would also not improve the quality of surface water runoff, as the Project would. Although the No Project Alternative would avoid most of the Project's environmental impacts and would not result in any significant environmental impacts, it would not achieve the Project's objectives. The No Project Alternative would not meet the Project's underlying purpose of creating a premiere mixed-use center that contributes to and promotes downtown as the center of business and entertainment in the region.

Under this Alternative, none of the Project's objectives would be met. Specifically, this Alternative would not maximize the redevelopment of an underutilized central downtown location with an infill, transit-oriented, mixed-use center consistent with local, regional, and state policies. It would not support regional mobility goals by locating new office, hotel, residential, and retail facilities in direct proximity to the regional transit system and transportation corridors. The No Project Alternative would not assist in meeting state, regional, and local efforts to achieve greenhouse gas reduction goals through the construction of energy-efficient, mixed-use, transit-oriented infill projects that reduce vehicle miles traveled. It would not create a landmark mixed-use center that contributes to establishing a prominent downtown Los Angeles skyline that promotes downtown Los Angeles as the center of business activity in the region. The No Project Alternative would not create a vibrant and exciting visual environment by incorporating creative electronic signage that will attract visitors and strengthen the connectivity between the financial and entertainment areas in downtown Los Angeles. It would not offer flexible land uses and floor areas to ensure that downtown Los Angeles can remain competitive given the changing needs of the Southern California economy. Nor would it generate additional bookings for large scale conventions and events at the Los Angeles Convention Center by providing new, four-star-plus hotel rooms within close proximity. The No Project Alternative would not provide new state-of-the-art office facilities that complement the Financial Core and offer opportunities for corporations to relocate or expand operations in downtown Los Angeles. It would not improve

the local and regional economy through job generation, increased tax revenues, and future expansion of the Convention Center. Nor would the No Project Alternative contribute development that is consistent with the evolving development characteristics of downtown; incorporate elements of sustainable development to promote the efficient use of energy and water; or fulfill adopted land use, economic, design and transportation policies.

Overall, under the No Project Alternative, none of the objectives established for the Project would be attained.

ALTERNATIVE 2 – Reduced Density Alternative. Under the Reduced Density Alternative, the Project Site would be developed with the same office, residential, and hotel development as the Project, but would be reduced in overall density. This Alternative represents the reasonably expected development in the case that the requested TFAR is not granted. Under this Alternative, the Project Site would encompass 2.7 acres rather than the Project's 3.2 acres. The Reduced Density Alternative would include the demolition of the existing structure, including existing subterranean parking, and redevelopment of the Project Site with maximum of 560 hotel rooms and/or condo-hotel units, 100 residential dwelling units, 1,250,000 square feet of office uses (a 17 percent reduction from the Project), and 210,000 square feet of amenity areas. The Reduced Density Alternative would include approximately 1,566 parking spaces in a maximum of eight levels of subterranean parking. Vacation of Francisco Street could also occur under this Alternative. General height and massing of the structures under this Alternative would be the same as the Project.

Impact Summary. The following significant and unavoidable impacts would occur under the Reduced Density Alternative: Transportation (intersections, site access), Noise (cumulative construction), Visual Resources (signage), and Air Quality (construction NO_x); these are the same significant and unavoidable impacts that would occur under the Project. This Alternative would have similar impacts as the Project with respect to Noise (cumulative construction) and would reduce, but not avoid, significant and unavoidable impacts associated with Transportation (intersections, site access), Visual Resources (signage), and Air Quality (construction NO_x). This Alternative would reduce the Project's less-than-significant impacts associated with land use, geology and soils, cultural resources, public services, utilities, environmental hazards and safety, hydrology and water quality, biological resources, population, housing, and employment, and climate change.

Finding. With this Alternative, some of the environmental impacts projected to occur from development of the Project would be reduced. However, none of the significant and unavoidable impacts would be avoided. Therefore, this Alternative would be an environmentally superior alternative to the Project in limited ways. The Reduced Density Alternative does not fully meet any of the Project's objectives, although it would meet five of the objectives to a similar extent as the Project, and would meet seven objectives to a lesser extent than the Project. It is found pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in Section XI of these Findings (Statement of Overriding Considerations), make infeasible the Reduced Density Alternative described in the Final EIR.

Rationale for Finding. The Reduced Density Alternative would develop the same uses as the Project, to a reduced extent and density. As such, this Alternative would meet the Project's underlying purpose of creating a premiere mixed-use center that contributes to and promotes downtown as the center of business and entertainment in the region, but to a lesser degree than the Project. Specifically, this alternative would only partially maximize the redevelopment of an underutilized central downtown location with an infill, transit-oriented, mixed-use center consistent with local, regional, and state policies; support regional mobility goals by locating new office, hotel, residential, and retail facilities in direct proximity to the regional transit system and transportation corridors; and, assist in meeting state, regional, and local efforts to meet greenhouse gas reduction goals through the construction of energy-efficient, mixed-use, transit-oriented infill projects that reduce vehicle miles traveled. The Reduced Density Alternative would develop a smaller project than the Project, and would still create a landmark mixed-use center that contributes to establishing a prominent downtown Los Angeles skyline that promotes downtown Los Angeles as the center of business activity in the region. This Alternative would provide new state-of-the-art office facilities that complement the Financial Core and offer opportunities for corporations to relocate or expand operations in downtown Los Angeles, however with fewer facilities than under the Project. This Alternative would also improve the local and regional economy through job generation, increased tax revenues, and future expansion of the Convention Center, but to a lesser degree than the Project. Because the Reduced Density Alternative would include all of the elements of the Project, this Alternative would fulfill adopted land use, economic, design and transportation policies, only to a lesser degree than the Project.

This Alternative would, like the Project, create a vibrant and exciting visual environment by incorporating creative electronic signage that will attract visitors and strengthen the connectivity between the financial and entertainment areas in downtown Los Angeles. It would also offer flexible land uses and floor areas to ensure that downtown Los Angeles can remain competitive given the changing needs of the Southern California economy. The Reduced Density Alternative would generate additional bookings for large scale conventions and events at the Los Angeles Convention Center by providing new, four-star-plus hotel rooms within close proximity, and contribute development that is consistent with the evolving development characteristics of downtown. This Alternative would also incorporate elements of sustainable development to promote the efficient use of energy and water.

ALTERNATIVE 3 – Phased Construction Alternative. Under the Phased Construction Alternative, the Project Site would be developed with the same office, residential, and hotel development as the Project, but would be built in two phases over a number of years. In Phase I, Building B, the subterranean parking, outdoor plaza, and Podium would be constructed. Phase I of construction is anticipated to require approximately 47 months inclusive of demolition and construction and occur from 2012 to 2015. Phase II would include construction of Building A and is anticipated to require approximately 28 months of construction and occur from 2015 to 2018. Other characteristics (e.g., lighting, landscaping, etc.) are assumed to be generally similar to those of the Project. In addition, all applicable Project mitigation measures and design features would be implemented under this Alternative.

Impact Summary. The Phased Construction Alternative would not avoid any of the Project's significant and unavoidable impacts. Impacts and their intensity would be the same under this alternative as under the Project. The construction impacts, however, would be prolonged since construction would be in multiple phases.

Finding. With this Alternative, none of the significant and unavoidable environmental impacts projected to occur from development of the Project would be avoided or reduced. Therefore, this Alternative would not be an environmentally superior alternative as compared to the Project. This Alternative meets all of the Project objectives. It is found pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in Section XI of these Findings (Statement of Overriding Considerations), make infeasible the Phased Construction Alternative described in the Final EIR.

Rationale for Finding. The Phased Construction Alternative would result in the same final development, but would use a different construction scenario than the Project. Therefore, this alternative would fulfill the Project's underlying purpose of creating a premiere mixed-use center that contributes to and promotes downtown as the center of business and entertainment in the region. The Phased Construction Alternative would meet all of the Project objectives (listed above). Although all of the Project Objectives would be satisfied, they would not be satisfied until the entire project is built. However, this Alternative would not reduce the level of any of the Project's significant impacts and would result in a longer period of construction than the Project.

ALTERNATIVE 4 – Office-Only Alternative. Under the Office-Only Alternative, the Project Site would be developed with office and associated retail and parking uses only. Hotel and residential dwelling units would not be included in the development. The Office-Only Alternative would include the demolition of the existing structure, including existing subterranean parking, and redevelopment of the Project Site with approximately 1,750,000 square feet of office and 90,000 square feet of amenity retail and restaurant. The Office-Only Alternative would include provision of approximately 1,384 parking spaces in a subterranean parking garage. Height and massing of the structures under this Alternative would be similar to the Project. Vacation of Francisco Street would also occur under this Alternative. The Land Use Equivalency Program as proposed for the Project is not included in this Alternative. Other characteristics (e.g., lighting, landscaping, etc.) are assumed to be generally similar to those of the Project.

Impact Summary. The Office-Only Alternative would not avoid any of the significant and unavoidable impacts of the Project: Transportation (intersections, site access), Noise (cumulative construction), Visual Resources (signage), and Air Quality (construction NO_x). However, under this Alternative, operational noise and air quality impacts would be lesser as compared to the Project, although both this Alternative and the Project would result in less-than-significant operational noise and air quality impacts.

Finding. With the Office-Only Alternative, all significant and unavoidable environmental impacts projected to occur from development of the Project would occur, one less-than-significant impact would be reduced, and one less-than-significant impact would be increased. Therefore, the Office-Only Alternative would not be an environmentally superior alternative to the Project. Furthermore, this Alternative does not meet several of the Project's important objectives, and fails to meet several other objectives to the full extent that the Project would. Only three objectives would be met to a similar extent under this Alternative as under the Project. It is found pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in Section XI of these Findings (Statement of Overriding Considerations), make infeasible the Office-Only Alternative described in the Final EIR.

Rationale for Finding. The Office-Only Alternative would involve development of office and associated retail and parking uses and would not include development of residential or hotel uses. This Alternative would not fully meet the Project's underlying purpose of creating a premiere mixed-use center that contributes to and promotes downtown as the center of business and entertainment in the region. Several project objectives would not be achieved to the same extent as the project. Specifically, this Alternative would not include the Land Use Equivalency Program, and therefore would not offer flexible land uses and floor areas to ensure that downtown Los Angeles can remain competitive given the changing needs of the Southern California economy. The Office-Only Alternative would not generate additional bookings for large scale conventions and events at the Los Angeles Convention Center by providing new, four-star-plus hotel rooms within close proximity. Nor would it improve the local and regional economy through job generation, increased tax revenues, and future expansion of the Convention Center.

This Alternative would meet several of the Project objectives to a lesser extent than the Project would. Specifically, this Alternative would not fully maximize the redevelopment of an underutilized central downtown location with an infill, transit-oriented, mixed-use center consistent with local, regional, and state policies. This Alternative would not, to the same extent as the Project, support regional mobility goals by locating new office, hotel, residential, and retail facilities in direct proximity to the regional transit system and transportation corridors, because it would not include any hotel or residential uses. In the same way, this Alternative would only partially assist in meeting state, regional, and local efforts to meet greenhouse gas reduction goals through the construction of energy-efficient, mixed-use, transit-oriented infill development. Similarly, the Office-Only Alternative would provide only two uses in a landmark mixed-use center that contributes to establishing a prominent downtown Los Angeles skyline that promotes downtown Los Angeles as the center of business activity in the region. This Alternative would contribute development that is consistent with the evolving development characteristics of downtown, and fulfill adopted land use, economic, design and transportation policies, but to a lesser degree than the Project.

The Office-Only Alternative would, however, create a vibrant and exciting visual environment by incorporating creative electronic signage that will attract visitors and strengthen the connectivity between the financial and entertainment areas in

downtown Los Angeles. This Alternative would provide new state-of-the-art office facilities that complement the Financial Core and offer opportunities for corporations to relocate or expand operations in downtown Los Angeles, and would incorporate elements of sustainable development to promote the efficient use of energy and water.

ALTERNATIVE 5 – Residential-Only Alternative. Under the Residential-Only Alternative, the Project Site would be developed with residential and associated retail, restaurant, and parking uses only. No office or hotel uses would be included in the development. The Residential-Only Alternative would include the demolition of the existing structure, including existing subterranean parking, and redevelopment of the Project Site with approximately 1,100 residential dwelling units and approximately 170,000 square feet of pedestrian-oriented retail. The Residential-Only Alternative would include provision of approximately 1,433 parking spaces in subterranean parking. Vacation of Francisco Street would also occur under this Alternative; however, there would be no helistop included in this scenario. The Equivalency Program as proposed for the Project is not included in this Alternative. Building heights would be the same as described under the Project, and other characteristics (e.g., lighting, landscaping, etc.) are assumed to be generally similar to those of the Project.

Impact Summary. The Residential-Only Alternative would eliminate one of the Project's significant and unavoidable impacts: Transportation (intersections, site access). However, it would still result in significant and unavoidable impacts related to Noise (cumulative construction), Visual Resources (signage) and Air Quality (construction NO_x), the same as the Project. The Residential-Only Alternative would, however, reduce operational Air Quality impacts compared to the Project, which would be less-than-significant. All other impacts would be the same under this Alternative as under the Project.

Finding. With this Alternative, certain environmental impacts projected to occur from development of the Project would be reduced. Therefore, this Alternative would be an environmentally superior Alternative to the Project. However, this Alternative would not fully satisfy many of the Project's objectives. It is found pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in Section XI of these Findings (Statement of Overriding Considerations), make infeasible the Residential-Only Alternative described in the Final EIR.

Rationale for Finding. The Residential-Only Alternative would involve development of residential and associated retail and parking uses and would not include development of office or hotel uses. This Alternative would not fully meet the Project's underlying purpose of creating a premiere mixed-use center that contributes to and promotes downtown as the center of business and entertainment in the region. Several project objectives would not be achieved to the same extent as the project. Specifically, this Alternative would not, to the same extent as the Project, support regional mobility goals by locating new office, hotel, residential, and retail facilities in direct proximity to the regional transit system and transportation corridors because it would not include office or hotel uses. It would not create a landmark mixed-use center that contributes to establishing a prominent downtown Los Angeles skyline that promotes downtown

Los Angeles as the center of business activity in the region because it would not include a substantial mix of land uses. The Residential-Only Alternative would not generate additional bookings for large scale conventions and events at the Los Angeles Convention Center because it would not provide new, four-star-plus hotel rooms within close proximity. Because this Alternative would not include any office uses, it would not provide new state-of-the-art office facilities that complement the Financial Core and offer opportunities for corporations to relocate or expand operations in downtown Los Angeles. Nor would it improve the local and regional economy through job generation, increased tax revenues, and future expansion of the Convention Center. This Alternative would entail a lesser mix of uses than the proposed Project in an area where mixed use development is encouraged and consistent with the evolving development characteristics of downtown.

This Alternative would not meet several of the Project objectives as well as the Project would. Specifically, this Alternative would not fully maximize the redevelopment of an underutilized central downtown location with an infill, transit-oriented, mixed-use center consistent with local, regional, and state policies. This Alternative would only partially assist in meeting state, regional, and local efforts to meet greenhouse gas reduction goals through the construction of energy-efficient, mixed-use, transit-oriented infill development. This Alternative would not include the Land Use Equivalency Program, and therefore would not offer flexible land uses and floor areas to ensure that downtown Los Angeles can remain competitive given the changing needs of the Southern California economy. This Alternative would contribute development that is consistent with the evolving development characteristics of downtown, and fulfill adopted land use, economic, design and transportation policies, but to a lesser degree than the Project.

The Residential-Only Alternative would, however, create a vibrant and exciting visual environment by incorporating creative electronic signage that will attract visitors and strengthen the connectivity between the financial and entertainment areas in downtown Los Angeles, and would incorporate elements of sustainable development to promote the efficient use of energy and water.

ALTERNATIVE 6 – Reduced Height Alternative. Under the Reduced Height Alternative, Buildings A and B would be the same height, both at approximately 53 stories, or a maximum of 717 feet tall; in order to maintain a helistop on the building, the structures cannot be lower than 717 feet due to the Federal Aviation Administration's regulations regarding helistops on high-rise buildings and in relation to the heights of the surrounding buildings. The Reduced Height Alternative would include the demolition of the existing structure, including existing subterranean parking, and redevelopment of the Project Site with the same uses and square footage as the Project: a maximum of 560 hotel rooms and/or condo-hotel units, 100 residential dwelling units, 1,500,000 square feet of office uses, and 275,000 square feet of amenity areas. The Reduced Height Alternative would include provision of approximately 1,900 parking spaces in a maximum of eight levels of subterranean parking. Vacation of Francisco Street would also occur under this Alternative. Other characteristics (e.g., lighting, landscaping, etc.) are assumed to be generally similar to those of the Project.

Impact Summary. The Reduced Height Alternative would not avoid any of the Project's significant and unavoidable impacts. Impacts and their intensity would be the same under this Alternative as under the Project.

Finding. With this Alternative, none of the significant and unavoidable environmental impacts projected to occur from development of the Project would be avoided or reduced. Therefore, this Alternative would not be an environmentally superior alternative. This Alternative meets all of the Project objectives, one of which would be met to a lesser extent than under the Project. It is found pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in Section XI of these Findings (Statement of Overriding Considerations), make infeasible the Reduced Height Alternative described in the Final EIR.

Rationale for Finding. The Reduced Height Alternative would develop the same uses as the Project, within two structures that are reduced in height compared to the Project. As such, this Alternative would meet the Project's underlying purpose of creating a premiere mixed-use center that contributes to and promotes downtown as the center of business and entertainment in the region. Specifically, this Alternative would maximize the redevelopment of an underutilized central downtown location with an infill, transit-oriented, mixed-use center consistent with local, regional, and state policies; support regional mobility goals by locating new office, hotel, residential, and retail facilities in direct proximity to the regional transit system and transportation corridors; and, assist in meeting state, regional, and local efforts to meet greenhouse gas reduction goals through the construction of energy-efficient, mixed-use, transit-oriented infill projects that reduce vehicle miles traveled. The Reduced Height Alternative would create a vibrant and exciting visual environment by incorporating creative electronic signage that will attract visitors and strengthen the connectivity between the financial and entertainment areas in downtown Los Angeles and would provide new state-of-the-art office facilities that complement the Financial Core and offer opportunities for corporations to relocate or expand operations in downtown Los Angeles, but fewer facilities than under the Project. This Alternative would also improve the local and regional economy through job generation, increased tax revenues, and future expansion of the Convention Center, but to a lesser degree than the Project. Because the Reduced Height Alternative would include all of the elements of the Project, this Alternative would fulfill adopted land use, economic, design and transportation policies.

This Alternative would, like the Project, offer flexible land uses and floor areas to ensure that downtown Los Angeles can remain competitive given the changing needs of the Southern California economy. The Reduced Height Alternative would generate additional bookings for large scale conventions and events at the Los Angeles Convention Center by providing new, four-star-plus hotel rooms within close proximity, and contribute development that is consistent with the evolving development characteristics of downtown. This Alternative would also incorporate elements of sustainable development to promote the efficient use of energy and water.

The Reduced Height Alternative would create a landmark mixed-use center that contributes to establishing a prominent downtown Los Angeles skyline that

promotes downtown Los Angeles as the center of business activity in the region, but to a notably reduced degree of the Project because of the reduced height of this Alternative.

ALTERNATIVE 7 – Zoning Compliant Alternative. Under the Zoning Compliant Alternative, the Project Site would be developed up to a FAR of 6:1, based on a 2.7-acre site (would not include the centerline of surrounding streets or vacation of Francisco Street). The Zoning Compliant Alternative would include the demolition of the existing structure, including existing subterranean parking, and redevelopment of the Project Site with a maximum of 350 hotel rooms and/or condo-hotel units, 50 residential dwelling units, 350,000 square feet of office uses, and 132,500 square feet of amenity areas. These uses would be contained in one approximately 24-story structure. The Zoning Compliant Alternative would include provision of approximately 917 parking spaces in a subterranean parking garage, in compliance with code requirements. This alterative would not vacate Francisco Street and would not include the helistop. Signage would be limited to what is currently permitted under the zoning code. Other characteristics (e.g., lighting, landscaping, etc.) are assumed to be generally similar to those of the Project, including the equivalency, and flexibility programs, for the purpose of analyzing this Alternative.

Impact Summary. The Zoning Compliant Alternative would eliminate two of the Project's significant and unavoidable impacts: Transportation (intersections, site access) and Visual (signage). However, it would still result in significant and unavoidable impacts related to Noise (cumulative construction) and Air Quality (construction NO_x). The Zoning Compliant Alternative would, however, generally reduce all other less-than-significant impacts associated with the Project, with the exception of Population, Housing, and Employment. Because the Zoning Compliant Alternative would result in a net decrease in jobs compared to existing conditions, this Alternative would create a new potentially significant impact.

Finding. With this Alternative, certain environmental impacts projected to occur from development of the Project would be reduced, and one would be increased. Therefore, this Alternative would not be considered an environmentally superior Alternative to the Project. Furthermore, this Alternative would not fully satisfy many of the Project's objectives. It is found pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in Section XI of these Findings (Statement of Overriding Considerations), make infeasible the Zoning Compliant Alternative described in the Final EIR.

Rationale for Finding. The Zoning Compliant Alternative would develop the same uses as the Project, to a reduced extent and density. As such, this Alternative would meet the Project's underlying purpose of creating a premiere mixed-use center that contributes to and promotes downtown as the center of business and entertainment in the region, but to a notably lesser degree than the Project. This Alternative would meet several of the objectives to a similar extent as the Project. Specifically, this Alternative would maximize the redevelopment of an underutilized central downtown location with an infill, transit-oriented, mixed-use center consistent with local, regional, and state policies. The Zoning Compliant Alternative would support regional mobility goals by locating new

office, hotel, residential, and retail facilities in direct proximity to the regional transit system and transportation corridors. It would assist in meeting state, regional, and local efforts to meet greenhouse gas reduction goals through the construction of energy-efficient, mixed-use, transit-oriented infill development and would create a landmark mixed-use center that contributes to establishing a prominent downtown Los Angeles skyline that promotes downtown Los Angeles as the center of business activity in the region. Because this Alternative would include the Land Use Equivalency Program and Design Flexibility Program, it would offer flexible land uses and floor areas to ensure that downtown Los Angeles can remain competitive given the changing needs of the Southern California economy. This Alternative would contribute development that is consistent with the evolving development characteristics of downtown, incorporate elements of sustainable development to promote the efficient use of energy and water, and fulfill adopted land use, economic, design and transportation policies.

The Zoning Compliant Alternative would not meet certain objectives as well as the Project, including generate additional bookings for large scale conventions and events at the Los Angeles Convention Center by providing new, four-star-plus hotel rooms within close proximity, due to the reduced number of hotel rooms.

Because the Zoning Compliant Alternative would be limited to a signage program consistent with existing zoning, this Alternative would not incorporate signage that would contribute to the identity of the district. Furthermore, the Zoning Compliant Alternative would not fulfill the objective to provide new state-of-the-art office facilities that complement the Financial Core and offer opportunities for corporations to relocate or expand operations in downtown Los Angeles to the same extent as the Project. Nor would it improve the local and regional economy through job generation, increased tax revenues, and future expansion of the Convention Center, because it would generate fewer jobs than what currently are supported by the Project Site.

ALTERNATIVE 8 – Reduced Signage Alternative. Under the Reduced Signage Alternative, the Project Site would be developed with the same office, residential, and hotel development as the Project. However, overall signage (as designated under the Signage Supplemental Use District [Figueroa and 7th SUD]) would be reduced. The Reduced Signage Alternative would adopt the same signage regulations as set forth in the Wilshire Grand SUD for the Project; however, overall signage coverage for Sign Level 2 would be reduced and Sign Level 3 would be replaced with architectural lighting. Sign coverage for Sign Levels 1 and 4 would remain unchanged. Under this Alternative, Sign Level 2 would allow 50 percent coverage of the buildings' facades, rather than 80 percent coverage of the buildings' facades, as under the Project. Sign Level 3 under the Reduced Signage Alternative would continue to allow 60 percent coverage but would be limited to architectural lighting with no messaging permitted, commercial or non-commercial, rather than the signage permitted under the Project. Other characteristics (e.g., lighting, landscaping, etc.) are assumed to be generally similar to those of the Project.

Impact Summary. The Reduced Signage Alternative would to some extent reduce the Project's significant and unavoidable impacts due to signage, but would not eliminate them. Therefore, the Reduced Signage Alternative would

still have a significant and unavoidable impact from signage, and otherwise have the same impacts as the Project.

Finding. With this Alternative, none of the environmental impacts projected to occur from development of the Project would be reduced to less-than-significant. Therefore, this Alternative would not be considered an environmentally superior Alternative to the Project, but would reduce the intensity of a significant impact.. This Alternative would effectively satisfy two of the Project's objectives relating to signage. It is found pursuant that the Reduced Signage Alternative, although similar in regards to significant and unavoidable impacts as the Project, is a feasible alternative as described in the Final EIR. The recommended SUD does not strictly adhere to this Reduced Signage Alternative, however it accomplished much of the same reduction in the severity of impacts deemed to be significant and unavoidable.

Rationale for Finding. The Reduced Signage Alternative would develop the same uses as the Project, but with a reduced signage program. As such, this Alternative would meet the Project's underlying purpose of creating a premiere mixed-use center that contributes to and promotes downtown as the center of business and entertainment in the region. Specifically, this Alternative would maximize the redevelopment of an underutilized central downtown location with an infill, transit-oriented, mixed-use center consistent with local, regional, and state policies; support regional mobility goals by locating new office, hotel, residential, and retail facilities in direct proximity to the regional transit system and transportation corridors; and assist in meeting state, regional, and local efforts to meet greenhouse gas reduction goals through the construction of energy-efficient, mixed-use, transit-oriented infill projects that reduce vehicle miles traveled. The Reduced Signage Alternative would offer flexible land uses and floor areas to ensure that downtown Los Angeles can remain competitive given the changing needs of the Southern California economy, and would generate additional bookings for large scale conventions and events at the Los Angeles Convention Center by providing new, four-star-plus hotel rooms within close proximity, and contribute development that is consistent with the evolving development characteristics of downtown. It would provide new state-of-the-art office facilities that complement the Financial Core and offer opportunities for corporations to relocate or expand operations in downtown Los Angeles, and would also improve the local and regional economy through job generation, increased tax revenues, and future expansion of the Convention Center, but to a lesser degree than the Project. Because the Reduced Signage Alternative would include all of the elements of the Project, this Alternative would contribute development that is consistent with the evolving development characteristics of downtown and fulfill adopted land use, economic, design and transportation policies. This Alternative would also incorporate elements of sustainable development to promote the efficient use of energy and water.

The Reduced Signage Alternative's electronic signage would create a somewhat more tempered level of vibrancy and excitement that would attract visitors and strengthen the connectivity between the financial and entertainment areas in downtown Los Angeles as the Project. It would still serve to create a landmark mixed use center that contributes to establishing a prominent downtown Los Angeles sykline that promotes downtown Los Angeles as the center of business activity in the region.

ALTERNATIVE 9 – Zoning Compliant Signage Alternative. Under the Zoning Compliant Signage Alternative, the Project Site would be developed with the same office, residential, and hotel development as the Project. However, signage would be limited to what is currently permitted under the zoning code and would not require the SUD. Other characteristics (e.g., lighting, landscaping, etc.) are assumed to be generally similar to those of the Project. In addition, all applicable Project mitigation measures and design features would be implemented under this Alternative. The potential environmental impacts associated with this Alternative are described below and are compared to the environmental impacts associated with the Project.

Impact Summary. The Zoning Compliant Signage Alternative would eliminate one of the Project's significant and unavoidable impacts: Visual Resources (signage). However, it would still result in significant and unavoidable impacts related to Transportation (intersections, site access), Noise (cumulative construction), and Air Quality (construction NO_x), the same as the Project. All other impacts would be the same under this Alternative as under the Project.

Finding. With this Alternative, one environmental impact projected to result from development of the Project would be reduced to a less-than-significant level. Therefore, in this one respect, this Alternative would be an environmentally superior Alternative to the Project. However, this Alternative would not fully satisfy two of the Project's objectives. It is found pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in Section XI of these Findings (Statement of Overriding Considerations), make infeasible the Zoning Compliant Signage Alternative described in the Final EIR.

Rationale for Finding. The Zoning Compliant Signage Alternative would develop the same uses as the Project, but with a signage program that only includes signage as currently allowed by the zoning code. As such, this Alternative would meet the Project's underlying purpose of creating a premiere mixed-use center that contributes to and promotes downtown as the center of business and entertainment in the region. Specifically, this Alternative would maximize the redevelopment of an underutilized central downtown location with an infill, transit-oriented, mixed-use center consistent with local, regional, and state policies; support regional mobility goals by locating new office, hotel, residential, and retail facilities in direct proximity to the regional transit system and transportation corridors; and assist in meeting state, regional, and local efforts to meet greenhouse gas reduction goals through the construction of energy-efficient, mixed-use, transit-oriented infill projects that reduce vehicle miles traveled. The Zoning Compliant Signage Alternative would offer flexible land uses and floor areas to ensure that downtown Los Angeles can remain competitive given the changing needs of the Southern California economy, and would generate additional bookings for large scale conventions and events at the Los Angeles Convention Center by providing new, four-star-plus hotel rooms within close proximity, and contribute development that is consistent with the evolving development characteristics of downtown. It would provide new state-of-the-art office facilities that complement the Financial Core and offer opportunities for corporations to relocate or expand operations in downtown Los Angeles, and would also improve the local and regional economy through job

generation, increased tax revenues, and future expansion of the Convention Center. Because the Zoning Compliant Signage Alternative would include all of the elements of the Project, this alternative would contribute development that is consistent with the evolving development characteristics of downtown and fulfill adopted land use, economic, design and transportation policies. This alternative would also incorporate elements of sustainable development to promote the efficient use of energy and water.

However, the Zoning Compliant Signage Alternative would not incorporate signage that would contribute to the identity of the district.

ALTERNATIVES CONSIDERED BUT REJECTED AS INFEASIBLE DURING SCOPING PROCESS

Alternative Sites. Alternative sites were not analyzed because the Applicant does not own or control other property within the City of Los Angeles that satisfies the objectives for the Project. Specifically, the Applicant owns properties located at 1813, 1817, and 1892 Wilshire Boulevard. These properties are not located within the downtown core, are not in close proximity to the Convention Center and are approximately 0.25 mile from a transit station. The parcels total approximately 30,000 square feet or about two-thirds of an acre; whereas the Project Site is 2.7 acres or 3.2 acres if Francisco Street is included. For these reasons, alternate sites for the Project were not considered as feasible alternatives.

Metro Tunnel Connection. An alternative to include a pedestrian tunnel linking the Project Site and the adjacent 7th Street/Metro Center/Julian Dixon station (the "7th Street/Metro Center station") operated by the Los Angeles County Metropolitan Transportation Authority (Metro) was considered but rejected as infeasible. This Alternative was investigated at the request of the City of Los Angeles Department of Transportation (LADOT) and the Lead Agency. The pedestrian tunnel would begin at the ticketing level of the adjacent 7th Street/Metro Center station and connect to either the subterranean parking in the Project or to the outdoor plaza along the Project's Figueroa Street frontage. The pedestrian tunnel would be required to be 18 feet wide and 11 feet high per Metro's Fire Life Safety and Construction Project Management unit.

The existing 7th Street/Metro Center station was not designed to include a pedestrian tunnel under the north leg of Figueroa Street at 7th Street, which is where the proposed pedestrian tunnel would be located. As such, the 7th Street/Metro Center station does not have knock-out panels in the direction of the Project Site. Knock-out panels are sections of temporary walls that can be removed to reveal corridors designed into the station to provide access to the building connection or to a tunnel. The 7th Street/Metro Center station's knock-out panels are located at the southeast corner of the Figueroa Street and 7th Street intersection intended to connect to the 818 Plaza building located at 818 7th Street, and at the southwest corner of the Figueroa Street and 7th Street intersection intended to connect to the 7 + Fig Center located at 735 Figueroa Street. Additionally, inside the 7th Street/Metro Center station, the City of Los Angeles Department of Water and Power (LADWP) operates utility vaults, fire monitoring and safety equipment, and subway utility equipment along the path between the subway ticketing platform and the eastern edge of Figueroa Street in the direction of the Project Site. Further, there are several utility lines currently

present under Figueroa Street that would interfere with the subterranean connection.

Planning Staff actively worked with Metro staff to research and determine the feasibility of possible tunnel alignments, including review of built plans, and physical exploration of the existing station site and potential tunnel options.

Among a number of alternatives investigated, there were two designs that emerged as the most likely alignment for the pedestrian tunnel connecting the ticketing level of the 7th Street/Metro Center station to the Project Site. However, both options would result in a non-linear pedestrian tunnel that would not provide a line of sight from one end of the tunnel to another. Non-linear tunnels are a concern for Metro security staff, as jogs and turns in pedestrian passageways create blind spots and reduce the level of comfort felt by tunnel users, potentially limiting the usefulness of the passageway. Additionally, neither option would meet the 18-foot wide design criteria requirement. Therefore, the provision of a pedestrian tunnel that provided a safe and convenient connection and met Metro's design criteria was found to be infeasible. However, the Project would design the subterranean garage and/or outdoor plaza on the Project Site to accommodate a knock-out panel for the possible future reconfiguration of the 7th Street/Metro Center station.

Alternative in Accordance with Existing General Plan Designation and Zoning. An alternative that would be consistent with both the existing General Plan designation and zoning is presented in Alternative 7, Zoning Compliant Alternative.

Alternative to Eliminate All Significant Traffic Impacts. Reduced development alternatives that would eliminate the significant and unavoidable traffic impacts during operation of the project are presented in Alternative 5, Residential-Only Alternative and Alternative 7, Zoning Compliant Alternative.

Alternatives to Eliminate Significant Noise Impacts. Alternatives were also considered to eliminate the significant short-term cumulative construction noise impacts of the project. The Final EIR identified four related projects within 1,000 feet of the Project Site and determined that if construction of the nearest mixed-use developments were to occur concurrently with Project construction, the construction noise from these related projects could, in combination with the construction noise associated with the Project, contribute to a cumulative impact on the noise-sensitive receptors closest to these related project sites. Because this impact is related to other projects contributing to a cumulative impact, an alternative to eliminate this significant impact is not feasible.

Alternative to Eliminate Significant Aesthetic Impacts. Alternative 9, Zoning Compliant Signage Alternative, would eliminate the significant and unavoidable Visual Resources impact related to signage.

Alternatives to Eliminate Significant Air Quality Impacts. Alternatives were also considered to eliminate the significant short-term construction air quality impacts of the project, which would be for short durations. Given that construction would be distributed throughout the Project Site, impacts at any given location would be relatively short-term. Furthermore, based on the thresholds upon which the construction analyses are based, a substantial

reduction in the intensity of construction activities would be necessary to reduce regional construction emissions to below a level of significance. Furthermore, any reduction in the intensity of construction activities would actually increase the duration of construction activities. Thus, such an alternative would not be feasible.

VIII. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

Growth Inducing Impacts of the Project

Section 15126.2(d) of the CEQA Guidelines requires an Final EIR to discuss the ways the Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. Growth inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

Implementation of the Project would involve the development of a maximum of 560 hotel rooms and/or condo-hotel units, 100 residential dwelling units, 1,500,000 square feet of office uses, and 275,000 square feet of amenity areas such as retail and restaurant uses, conference and meeting rooms, spa and fitness center. The Project would foster economic growth and revitalize an underutilized area by adding residents and business to the Project Site. The residents, in turn, could patronize existing local businesses and services in the area. Additionally, short-term and long-term employment opportunities would be provided during construction and operation of the Project. Development of the Project would result in employee, resident, and visitor populations that would create demand for goods, service, or facilities not directly satisfied within the Project. However, the supply and demand for housing and employment are within the region's projected growth.

Since the Project Site is located in a highly urbanized setting, infrastructure is already in place to support the Project. The Project would constitute in-fill development, which, by its very nature, is typically not growth-inducing. The Project would not involve any notable extension of infrastructure, such as roads or utilities. Consequently, it would not remove obstacles to growth by opening up undeveloped areas to new development or by otherwise stimulating new population growth through increasing the capacity of infrastructure.

Significant Irreversible Impacts

CEQA Guidelines Section 15126.2(c) states that:

> "[u]ses of nonrenewable resources during the initial and continued phases of the Project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can

result from environmental accidents associated with the Project. Irreversible commitments of resources should be evaluated to assure that such current consumption is justified."

Construction of the Project would require consumption of resources that are not replenishable or which may renew slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), petrochemical construction materials (e.g., plastics), and water. Fossil fuels, such as gasoline and oil, would also be consumed in the use of construction vehicles and equipment.

Operation of the Project would involve on-going consumption of nonrenewable resources such as natural gas and crude oil. Petroleum products (diesel fuel, fuel oil, gasoline, and petrochemical synthetics) would be consumed directly and indirectly by Project activities in terms of electricity generation, and as fuels used by vehicles bringing residents, visitors, and employees to the Project Site. To the extent that fossil fuels remain a principal source of energy within the economy, the Project represents a long-term commitment of these resources. Development would irreversibly increase the commitment of public services, such as providing police and fire services. Operation of the Project would also result in an increased commitment of public maintenance services such as waste disposal and treatment, as well as an increased commitment of the infrastructure that serves the Project Site. The use of potentially hazardous materials would occur on the Project Site. Such materials would be used, handled, stored, and disposed of in accordance with applicable government regulations and standards, which would protect against a significant and irreversible environmental change resulting from an accidental release of hazardous materials.

The commitment of resources required for the type and level of proposed development would limit the availability of these resources for future generations for other uses during the operation of the Project. However, this resource consumption would be consistent with growth and anticipated change in the City of Los Angeles, the County of Los Angeles, and the Southern California region as a whole. Further, use of such resources would be of a relatively small scale in relation to the Project's fulfillment of regional and local urban design and development goals for the area. These goals are intended to promote smart growth that would reduce resource consumption by reducing vehicle trips and incorporating sustainable design features. Therefore, the use of such resources for the Project would be reduced as compared to development in other locations that would not fulfill such goals as fully. As such, the use of such resources would not be considered significant.

Additional Analysis Regarding Impacts Based on Existing Conditions

In the recently decided case Sunnyvale West Neighborhood Association et al. v. City of Sunnyvale City Council (6th App. Dist., December 16, 2010), the Court held that CEQA requires a comparison of Project impacts to baseline existing conditions, despite the fact that the Project may be constructed at a future date. In response to this recent decision, the Applicant updated the Project's traffic, air quality, noise and Alternatives analysis using an existing baseline conditions

(2009) and determined that no additional significant and unavoidable impacts would be created beyond those already addressed in the EIR.

Traffic

An updated analysis measuring the Project's traffic impacts on the existing environment was presented as part of the the Final EIR. The results of the analysis show that the measuring of the Project's traffic impacts on the existing environment does not alter the results of the significant impact analysis presented in the Final EIR and the Transportation Study. The Project-only traffic volumes, without and with the TDM Program, illustrated in Figure 16 and 21 on pages 75 and 114 of the Transportation Study, were added to the existing conditions traffic volumes illustrated in Figure 4 on page 23 of the Transportation Study. The Existing Plus Project and Existing Plus Project with TDM Program traffic volumes are illustrated in Figures 13a trough 13e and 14a through 14e of the Additional Response to Comments in the Final EIR. Further, Tables I-8 through I-11 of the Additional Response to Comments in the Final EIR demonstrate that the Project is not expected to result in any new and/or different residual significant impacts at the analyzed intersections under the Sunnyvale analysis.

Air Quality

A further analysis was prepared that evaluated the Project's air quality impacts based on existing conditions (See the appendix to the Additional Response to Comments in the Final EIR). The analyses of construction air emissions presented in the Draft EIR were based upon comparison of Project-related construction emission to the existing 2009 levels of construction emissions on the project site (i.e., zero existing construction emissions) and therefore, no update of the Draft EIR analysis of mass daily emissions, localized emissions of CO, NOx, PM10 and PM2.5, or toxic air contaminants during the construction phase was required. The operational mass emissions were recalculated to compare the Project's estimated emissions to the year 2009 emissions. This analysis showed that no exceedances of SCAQMD thresholds would occur. Further, the analysis of carbon monoxide concentrations was recalculated and also showed no exceedance of the relevant standards. The health risk assessment for the Harbor Freeway was recalculated using the 2009 conditions as the baseline and indicated that no new significant impacts would occur, beyond those already identified for the Project.

Noise

The analyses of operational and construction noise presented in the Draft EIR were based upon comparison of Project-related noise levels to the existing noise environment, with one exception. The traffic noise analysis compared the future with project noise levels to future without project noise levels to determine project impacts. This analysis was re-calculated (see Appendix D to the Additional Response to Comments in the Final EIR) by adding Project traffic to existing traffic levels and comparing the resulting noise level to the existing traffic noise levels to determine whether an audible increase (3 dBA) would occur. The analysis shows that the Project would not cause any 3dBA increase over existing noise levels and therefore, would not result in significant traffic–related noise impacts.

Alternatives

Even though the Project and Alternatives were analyzed by comparison to future baselines in some cases (i.e., traffic impacts at intersections, mobile source air emissions, traffic noise levels), the alternatives analyses provided in the EIR was fundamentally based on a comparison of the impacts of the Project and impacts of the Alternatives. This relative comparison was based on factors that were not dependent on the baseline year utilized. The resulting impacts of the Alternative were compared to the Project and an assessment provided as to whether the impacts of the Alternative would be increased, reduced or similar, as compared to the Project.

For traffic, the relative level of impact of the Alternative relative to the impacts of the Project would remain constant because the source of the traffic impacts is the relative level of trip generation, which is not related to the baseline year used in the analysis. An analysis of the Reduced Density Alternative compared to an existing baseline would show a reduced number of intersections impacted by the Alternative, and a reduced number of intersections impacted compared to the Project, because the lower traffic generation of the Reduced Density Alternative would be compared to the same existing baseline as the Project. Further, using the existing baseline, the No Project, Residential-Only and Zoning Compliant Alternatives would generate less traffic than the Project and would not result in significant and unavoidable traffic impacts. The Office-Only Alternative analyzed under the existing baseline would also create less impacts than the Project due to lower traffic generation. In addition, the Reduced Signage, Zoning Compliant Signage, Phased Construction and Reduced Height Alternatives would generate the same traffic volumes as the Project and, compared to the Project, would result in the same significant and unavoidable impacts under existing conditions as the Project.

The same effect would be seen for the analysis of operational air emissions and traffic noise that utilized traffic generation as the basis for the identified impacts. Similar to the Project, all of the Alternatives except for the No Project Alternative would result in significant and unavoidable air quality impacts for NOx emissions during construction. As stated above, the analyses of construction air emissions presented in the Draft EIR, for the Project and for the Alternatives, were based upon comparison of Project-related construction emissions to the existing 2009 levels of construction emissions on the project site (i.e. zero existing construction emissions). Therefore, no update of the Draft EIR analysis of mass daily emissions, localized emissions of CO, NOx, PM10 and PM2.5, or toxic air contaminants for Alternatives during the construction phase was required. The No Project Alternative significant and unavoidable operational air emissions were also calculated using existing (2009) operational emissions and therefore, no update of the Draft EIR analysis was required.

As none of the Alternatives result in traffic levels exceeding that of the Project, the re-calculated noise analysis for the Project (See Appendix D to the Additional Response to Comments in the Final EIR) provides for the worst-case noise impacts related to the Alternatives. The analysis shows that the Project, and therefore no Alternative, would cause any 3dBA increase over existing noise levels and therefore would not result in significant traffic-related noise impacts. To the extent an Alternative generates less traffic than the Project, the traffic –

related noise impacts would correspondingly decrease in the same relative manner as presented in the Draft EIR. Ultimately, the analysis of Alternatives presented in the Final EIR provides an accurate comparison of the relative impacts and merits of the Alternatives and the Project.

IX. OTHER CEQA CONSIDERATIONS

Recirculation of Final EIR

CEQA requires that the responses to comments in the Final EIR demonstrate good faith and a well-reasoned analysis, and not be overly conclusory. In response to several of the comments received, portions of the EIR were revised. Additional Responses to Comments were issued by the City Planning Department on February 18, 2011 in response to certain comment letters received after end of the public comment period for the Draft EIR (letter dated November 12, 2010 by Jeffer Mangels Butler & Mitchell LLP; letter dated December 15, 2010 by Brookfield Properties Inc.; and letter dated January 14, 2011 by DLA Piper attached to the appeal filed by Brookfield Office Properties et al). The Additional Responses to Comments were incorporated in and made a part of the Final EIR. Some of the comments assert that the Final EIR is inadequate for not appropriately addressing impacts of the Project. However, the information in the Final EIR demonstrates that no additional impacts beyond those already identified in the Draft EIR have been identified by the comments, and thus, the Final EIR is not inadequate for the reasons stated in the comments. Specifically, CEQA Guidelines Section 15088.5 does not require recirculation of the Final EIR based on the following:

a. No significant new information has been added that would deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the Project, a feasible way to mitigate or avoid such an impact that the Applicant has declined to implement, or a feasible Project alternative;

b. The new information, including certain factual corrections and minor changes, provides clarification to points and information already included in the Draft EIR;

c. There are no significant new environmental impacts resulting from the Project or from a new mitigation measure proposed to be implemented;

d. There is no substantial increase in the severity of an environmental impact that has not been mitigated to a level of insignificance;

e. The Applicant has not declined to adopt any feasible project alternatives or mitigation measures, considerably different from others previously analyzed, that clearly would lessen the environmental impacts of the Project; and

f. The Final EIR is not so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded.

The City Council finds that, after considering the Final EIR, including in the Additional Responses to Comments, there is substantial evidence to conclude that none of the conditions requiring recirculation of the Final EIR are present and therefore recirculation of the Final EIR is not required.

Project Description

CEQA requires that the description of the Project include "the whole of an action" and must contain specific information about the Project to allow the public and reviewing agencies to evaluate and review its environmental impacts, and that this description must include all integral components of the Project. A proper Project description is important to ensure that "environmental considerations do not become submerged by chopping a large project into many little ones – each with minimal impact on the environment – which cumulatively may have disastrous consequences." (*Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263, 283-284.)

Miscellaneous

1. The concept of "feasibility" encompasses the question of whether a particular alternative promotes the underlying goals and objectives of a Project. "Feasibility" under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.

2. CEQA requires that the lead agency exercise its independent judgment in reviewing the adequacy of an Final EIR and that the decision of a lead agency in certifying a Final EIR and approving a Project not be predetermined. The City Council has conducted its own review and analysis, including review and consideration of the Final EIR, and is exercising its independent judgment when acting as herein provided.

3. CEQA requires decision-makers to adopt a mitigation monitoring and reporting program for those mitigation measures identified in the Final EIR that would mitigate or avoid each significant impact identified in the Final EIR and to incorporate the mitigation monitoring and reporting program, including all mitigation measures, as conditions of Project approval.

4. The responses to the comments on the Draft EIR, which are contained in the Final EIR and the Revised Final EIR, clarify and amplify the analysis in the Draft EIR.

5. CEQA requires the Lead Agency approving a Project to adopt an MMRP for the changes to the Project which it has adopted or made a condition of Project approval in order to ensure compliance with the mitigation measures during Project implementation. The mitigation measures included in the Final EIR as certified by the City Council and included in the MMRP as adopted by the City Council serves that function. The MMRP includes all of the mitigation measures and project design features that reduce potential impacts which were identified in the Final EIR and adopted by the City Council in connection with the approval of the Project and has been designed to ensure compliance with such measures during

implementation of the Project. In accordance with CEQA, the MMRP provides the means to ensure that the mitigation measures are fully enforceable. The final mitigation measures are described in the MMRP. Each of the mitigation measures identified in the MMRP, and contained in the Final EIR, is incorporated into the Project. In accordance with the requirements of Public Resources Code § 21081.6, the City Council hereby adopts the MMRP attached to these findings as Exhibit I and incorporated by reference into these findings. The City Council finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP, and contained in the Final EIR.

6. In accordance with the requirements of Public Resources Code § 21081.6, the City Council hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.

7. The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the Final EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

8. The City of Los Angeles, acting through the Department of City Planning, is the "Lead Agency" for the Project evaluated in the Final EIR. The City Council finds that the Final EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City Council finds that it has independently reviewed and analyzed the Final EIR for the Project, that the Draft EIR that was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City Council.

9. The City Council finds that the Final EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

10. The Planning Department evaluated comments on the environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Planning Department prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Planning Department reviewed the comments received and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on a full evaluation of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Final EIR.

11. The significant environmental impacts of the Project and the alternatives were identified and evaluated in the Draft and Final EIR.

12. The City Council is approving and adopting findings for, the entirety of the actions described in these Findings and in the Final EIR as comprising the Project. It is contemplated that there may be a variety of actions undertaken by other State and local agencies (who might be referred to as "responsible agencies" under CEQA). Because the City is the Lead Agency for the Project, the Final EIR is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other State and local agencies to carry out the Project.

X. MITIGATION MONITORING

The Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in accordance with Public Resources Code Section 21081.6, which requires a Lead or Responsible Agency that approves or carries out a project where a Final EIR has identified significant environmental effects to adopt a "reporting or monitoring program for the changes to project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." The City is the Lead Agency for the Project.

The MMRP is designed to monitor implementation of all feasible mitigation measures as identified in the Final EIR for the Project. The Project Applicant shall be obligated to provide certification prior to the issuance of site or building plans that compliance with the required mitigation measures has been achieved. All departments listed are within the City unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the Project Applicant unless otherwise noted.

XI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified unavoidable significant impacts that would result from implementation of the Project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when a public agency approves a project that will result in the occurrence of significant impacts that are identified in the Final EIR but are not at least substantially mitigated, the agency must state in writing the reasons to support its action based on the certified Final EIR and/or other information in the record. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines require that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the Final EIR which cannot be avoided or substantially mitigated to an insignificant level. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the Final EIR, and documents, testimony, and all other materials that constitute the record of proceedings.

The Final EIR concluded that, despite the adoption of feasible mitigation, the Project would result in the following impacts that are not mitigated to a less-than-

significant level: Transportation (Intersection LOS, Site Access); Noise (Cumulative Construction); Visual Resources (Signage); and Air Quality (Construction nitrogen oxide [NO_x]).

Accordingly, the City Council adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the Project for the reasons discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project, including region-wide or statewide environmental benefits, against the Project's significant and unavoidable impacts, the City Council hereby finds that the Project's benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The following reasons summarize the benefits, goals and objectives of the Project, and provide, in addition to the adopted findings, the rationale for the City Council's determination that the benefits of the Project outweigh its significant and unavoidable impacts. These overriding considerations of the economic, social, aesthetic, and environmental benefits of the Project justify adoption of the Project and certification of the completed Final EIR. Many of these overriding considerations individually would be sufficient to outweigh the adverse environmental impacts of the Project and justify approval of the Project and certification of the completed Final EIR. In particular, achieving the underlying purposes for the Project would be sufficient to override the significant environmental impacts of the Project.

1. The Project would redevelop an existing underutilized site with new state-of-the-art facilities integrating Class-A office uses, a four-plus star hotel, residential, related retail, and amenities in direct proximity to existing intensive land uses and visitor and tourist attractions. In order to provide greater utilization of existing infrastructure, the Project would maximize the redevelopment potential of an urban infill site that is located in close proximity to the regional transit system and major transportation corridors. The Project would promote downtown Los Angeles as a regional center for business and serves as a catalyst for the future growth of the Los Angeles Convention and Exhibition Center.

2. The Project would reduce vehicle trips and infrastructure costs by concentrating development in an existing activity center with direct proximity to transportation alternatives and major transportation corridors. The Project would encourage the use of transit by employees, hotel guests, on-site permanent residents and their guests, and retail patrons given that the Project Site provides convenient accessibility to numerous bus lines and the 7th Street/Metro Center station. The Project would also provide convenient pedestrian accessibility by creating an outdoor plaza to support the use of the regional transit system. The Project would minimize vehicle trips on surface streets because of its proximity to the freeway system.

3. Recent state legislation such as AB 32 and SB 375 require state and local agencies to achieve greenhouse gas emission reductions, in part by facilitating transit-oriented, energy-efficient infill development. Pursuant to SB 375, the Southern California Council of Governments (SCAG) will

be formulating either a "sustainable communities strategy" (SCS) or an "alternative planning strategy" (APS) in connection with the next update of the SCAG Regional Transportation Plan (RTP). To the extent that the land use plans and approvals of the City of Los Angeles can contribute to regional reductions in per capita vehicle miles traveled and per capita greenhouse gas emissions, the City will be making it more likely that SCAG can adopt an SCS rather than an APS. Maximizing the redevelopment of existing urban sites near transit nodes and corridors with mixed-use development is recognized as one of the best ways to reduce vehicle miles traveled, thereby reducing greenhouse gas emissions associated with passenger vehicles. The Project would include a varied mix of land uses, including residential and commercial uses, in a location near several transit lines, allowing future residents, employees and visitors at the Project Site to minimize their use of passenger vehicles to travel to and from the site. The Project would also include several design elements that promote the efficient use of energy and water and minimize greenhouse gas emissions, and would achieve at minimum a LEED certification level of Silver.

4. The Project would build state-of-the-art facilities for office tenants, hotel guests, residents, and visitors that would promote downtown Los Angeles as the center of business activity in the region and serve as a catalyst for future growth of the Los Angeles Convention and Exhibition Center. The Project would further the ongoing redevelopment of downtown Los Angeles by encouraging businesses to locate in the first modern high-rise office building in downtown in two decades, which strengthens downtown's competitive position within the broader region. The Project would also provide an architecturally distinctive development that includes a creative signage program integral to the building design that identifies the Project Site and surrounding area as a major area of concentration for office, retail, and hotel uses in the City of Los Angeles.

5. The prominent signage program and Project identity it creates would be designed to attract office tenants, hotel guests, tourists, and other visitors to the Project, thereby promoting the economic redevelopment of Downtown Los Angeles. The Project's signage program aims to create to an activated pedestrian environment that will link the Financial District to the Los Angeles Sports and Entertainment District and the Los Angeles Convention and Exhibit Center.

6. The Project would provide a comprehensive development program that has the necessary flexibility to respond to the changing market conditions in the Los Angeles region. The Project would create a major mixed-use center in the downtown core enhancing business, resident, visitor, and cultural activities in the Financial Core, the Convention Center district, and Bunker Hill. The Project's flexibility would ensure that the precise mix of uses developed would meet the needs of the downtown core at the time of development.

7. The Project would provide a properly sized world-class hotel and supporting facilities to address the deficiency of high-quality hotel facilities in downtown Los Angeles that support major events and expected increased levels of activity at the Convention Center as well as the visitor-

oriented uses in the Los Angeles Sports and Entertainment District. The Project would enable the Convention Center to compete more favorably against other convention centers for national conventions by expanding the base of four-plus star hotel rooms available for overnight guests in close proximity. The Project would also support the growth of the Convention Center by providing additional amenity spaces including meeting rooms, ballrooms, and related facilities.

8. The Project would provide the first new office building in Downtown Los Angeles in over two decades. The Project would provide an architecturally distinctive high-rise office building which would reinforce the long-term economic viability of downtown Los Angeles. The office building would enhance the downtown office market by providing premium office uses to attract new tenants from other cities, states, and countries to locate operations in the downtown core. The office building would accommodate a new helistop providing charter service between downtown and local airports to serve the Project office users, hotel guests, and visitors who require ready access to local and regional airports. The Project's pedestrian orientation and central transit-oriented location will enhance the attractiveness of the Project for new tenants interested in locating their business in state-of-the-art Class A office uses in Downtown Los Angeles.

9. The Project would improve and enhance the economic vitality of the City of Los Angeles as well as the surrounding region through providing construction and permanent jobs and long-term enhancement of business opportunities. The Project would expand the base of four-plus star quality hotel rooms and amenities building upon the City's existing investment in the Convention Center and supporting its future expansion. The Project would generate additional annual tax revenues for the region, including property taxes, sales taxes, utility taxes, and gross receipts taxes. The Project would maximize its potential contribution to the overall economy by including provisions that facilitate adjustments to the development program that may be needed in the future to respond to changing market conditions.

10. The Project would further walkability and design goals of the City by creating a pedestrian-oriented development including a one-quarter acre outdoor plaza, streetscape improvements and landscaping, public art, lighting, building setbacks, and other elements that provide a strong pedestrian presence along the Project edge. The Project would provide a pedestrian link to the surrounding community, including the 7th Street/Metro Center station, 7 + Fig retail center, L.A. Live! and the Convention Center. These pedestrian amenities, when linked to the Los Angeles Sports and Entertainment District and the Convention Center, would activate the Figueroa Street corridor, thereby encouraging more pedestrian travel and enhancing the visual experience for visitors. The Project would improve the quality and safety of the pedestrian environment through the development of an integrated streetscape program including the outdoor plaza which would provide convenient access to the 7th Street/Metro Center station, outdoor gathering space for special events, and serve as an amenity for employees, residents, guests, and visitors.

11. The Project would incorporate state-of-the-art mechanical and electrical elements that would be designed to meet, at minimum, a LEED certification level of Silver. The Project would implement sustainable development practices that promote efficient use of energy and water and minimize greenhouse gas emissions.

12. The Project would implement a number of key City and regional land use and transportation policies by focusing growth at a regional transportation hub, such as:

- Regional (from the Regional Comprehensive Plan and Guide, prepared by the Southern California Association of Governments, Chapter 3, Growth Management)

  Encourage patterns of urban development and land use which reduce costs on infrastructure and development.

  Encourage existing or proposed local jurisdictions' programs aimed at designing land uses which encourage the use of transit.

  Encourage local jurisdiction plans that maximize the use of existing urbanized areas accessible to transit through infill and redevelopment.

- City (from the General Plan Framework)

  Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution (Objective 3.2).

  Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts (Objective 3.4).

  Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community, or the region (Objective 5.2).

- City (from the Central City Community Plan)

  To improve Central City's competitiveness as a location for offices, business, retail, and industry (Objective 2-1).

  To promote land uses in Central City that will address the needs of all the visitors to downtown for business, conventions, trade shows and tourism (Objective 2-3).

Improve downtown's pedestrian environment in recognition of its important role in the efficiency of downtown's transportation and circulation systems and in the quality of life for its residents, workers and visitors (Policy 4.4-1).

Mitigation Monitoring Program

In accordance with the Requirements of Public Resources Code § 21081.6, the City Council hereby adopts the Mitigation Monitoring Program, which is described in full in the Final EIR for the Proposed Project, Exhibit I. The City Council reserves the right to make amendments and/or substitutions of mitigation measures if the City Planning Department or their designee determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impacts to at least the same degree as the original mitigation measure, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

Independent Judgment

The Applicant's consultants prepared the screencheck versions of the Draft EIR and Final EIR. All such materials and all other materials related to the Final EIR were extensively reviewed and, where appropriate, modified by the Planning Department or other City representatives. As such, the Draft EIR, Final EIR, and all other related materials reflect the independent judgment and analysis of the Lead Agency.

Substantial Evidence

The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR and Final EIR and other related materials, each of which are incorporated herein by this reference. Moreover, the City Council finds that where more than one reason exists for any finding, the City Council finds that each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

Relationship of Findings to EIR

These Findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control and the Draft EIR and Final EIR or both, as the case may be, are hereby amended as set forth in these Findings.

Project Conditions of Approval

Each of the Project features and mitigation measures referenced herein shall be conditions of project approval to be monitored and enforced by the City pursuant to the building permit process and the Mitigation Monitoring Program. To the extent feasible, each of the other findings and conditions of approval made by or adopted by the City Council in connection with the Project are also incorporated herein by this reference.

Custodian of Documents

The custodian of the documents or other material which constitutes the record of proceedings upon which the Director's decision is based is the City of Los Angeles, Department of City Planning, located at 200 North Spring Street, Los Angeles, California 90012