

**PLANNING DEPARTMENT TRANSMITTAL  
TO THE CITY CLERK'S OFFICE  
*SUPPLEMENTAL  
CF 17-1009-S2***

<b>CITY PLANNING CASE:</b>		<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2015-1158-SN-TDR-MCUP-CUX-SPR; Related: CPC-2015-1160-DA		ENV-2015-1159-EIR SCH No. 2016021013	14 <sup>th</sup> Council District
<b>PROJECT ADDRESS:</b>			
1020 S. Figueroa Street (716-730 W. Olympic Boulevard); 1016-1060 S. Figueroa Street; 607-613 W. 11 <sup>th</sup> Street; and, 1041-1061 S. Flower Street			
<b>PLANNER CONTACT INFORMATION:</b>		<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Christina Toy Lee		(213) 473-9723	<a href="mailto:Christina.toy-lee@lacity.org">Christina.toy-lee@lacity.org</a>

<b>NOTES / INSTRUCTION(S):</b>	
Enclosed, please find the Conditions of Approval and Findings as modified by the Planning & Land Use Management Committee at its meeting on December 5, 2017.	
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Claudia Rodriguez Council Liaison	December 8, 2017

## CONDITIONS OF APPROVAL

### A. Entitlement Conditions

1. **Project Description.** The mixed-use project will result in a total floor area of approximately 936,712 square feet consisting of: a 300-room hotel, 435 residential units, and 58,959 square feet of commercial uses.
2. **Site Plan.** Except as modified herein, the project shall be in substantial conformance with the plans and materials stamped "Exhibit A" and dated July 7, 2017, and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Parking.** Parking shall be in compliance with the LAMC, except as otherwise authorized herein.
4. **Development Agreement.** Prior to the issuance of a building permit for any phase within the project, the Department of Building and Safety shall confirm that the public benefits, as identified in Case No. CPC-2015-1160-DA, have been satisfied.
5. **Mitigation Monitoring Program.** The project shall be in substantial conformance with the mitigation measures in the attached MMP and stamped "Exhibit B" and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the Project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Zone Change unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

6. **Mitigation Monitor.** During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's

Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two businesses days if the applicant does not correct the non-compliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

7. **Site Plan.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
8. **TFAR.**
  - a. **Floor Area.** Development shall not exceed an 8.03:1 Floor Area Ratio (FAR) and a total floor area of 936,712 square feet. The Transfer Payment and Public Benefit Payment shall be pro-rated to the amount of TFAR being acquired in the event the maximum amount of TFAR approved is not required. The base lot area used to calculate the base floor area shall be 116,660 square feet at a 6:1 FAR. Changes to the project that result in a twenty percent decrease in floor area, or more, shall require new entitlements.
  - b. **TFAR Transfer Payment.** The project is subject to and shall pay a TFAR Transfer Payment in conformance with Section 14.5.6 through 14.5.12 of the Code. Such payment shall be based on the actual amount of floor area transferred to the project site.
    - i. The total amount of floor area authorized to be transferred from the Los Angeles Convention Center by this action shall not exceed 236,752 square feet. The total floor area of the Project Site shall not exceed 936,712 square feet.
    - ii. The applicant shall provide a TFAR Transfer Payment consistent with LAMC Section 14.5.10. in the amount of \$5 per square foot, or \$1,183,760, for the transfer of 236,752 square feet from the Los Angeles Convention Center to the project site.
  - c. **Public Benefit Payment.** The project is subject to and shall pay a Public Benefit Payment in conformance with Section 14.5.6 through 14.5.12 of the Code.
    - i. The applicant shall provide a Public Benefit Payment consistent with LAMC Section 14.5.9. in the amount of \$7,216,612, 50% of which (\$3,608,306), shall be a cash payment to the City's Public Benefit Payment Trust Fund. The remainder shall be direct provision, paid directly to the recipients below. Proof shall be provided in the form of a cleared check or bank statement and a letter signed by the Executive Director of each organization stating the funds were received and deposited. Of the 50 percent subject to direct provisions, the distribution shall be as follows.
      - (1.) A payment to the Council 14 Public Benefit Trust Fund/Affordable Housing Sub-Account in the amount of \$1,108,306 (15%);
      - (2.) A payment to the LA Streetcar in the amount of \$750,000 (10%);
      - (3.) A payment to the Pershing Square Renew – Department of Recreation and Parks in the amount of \$750,000 (10%);
      - (4.) A payment to LANI/Bringing Back Broadway in the amount of \$550,000 (8%);
      - (5.) A payment to the Downtown Women's Center in the amount of \$100,000 (1%);

- (6.) A payment to The People Concern (formerly LAMP) in the amount of \$100,000 (1%); and
  - (7.) A payment to the Community Partners for DTLA Wayfinding Study in the amount of \$250,000 (3%).
- ii. At the time of issuance of the Certificate of Occupancy for the project, the applicant shall provide an update to the file from each recipient of direct provisions detailing how the money has been spent thus far.
  - iii. The Applicant shall pay the required Public Benefit Payment, less the cost of the Direct Provisions of Public Benefits, in cash to the Public Benefit Trust Fund, pursuant to the terms of Transfer of Floor Area Rights Ordinance No. 181,574, Article 4.5 of the LAMC. The Public Benefit Payment proof of cash payment and direct provision of public benefits is required upon the earliest occurrence of either:
    - (1.) The issuance of the building permit for the Project; or
    - (2.) Twenty-four months after the final approval of the Transfer and the expiration of any appeals or appeal period; should the Applicant not make the required payments within the specified time, subject approval shall expire, unless extended by the Director in writing.

**9. Master Conditional Use for Alcoholic Beverages.**

- a. **Grant.** The Master Conditional Use authorization herein to allow the on-site sale, dispensing and consumption of a full line of alcoholic beverages shall be limited to the following: 25 portable units within the hotel; mini-bars within each hotel room; five restaurants/bars within the hotel; 15 restaurants/bars within the commercial area. The Master Conditional Use authorization herein to allow the sale and off-site consumption of a full line of alcoholic beverages shall be limited to three retail establishments within the project site. The Master Conditional Use authorization here to allow live entertainment and/or patron dancing shall be limited to 20 establishments.
- b. **Plan Approval.** The property owner or individual operator shall file a Plan Approval pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Conditional Use Permit authorized for each unit. The Plan Approval application shall be accompanied by the payment of appropriate fees and must be accepted as complete by the Department of City Planning. Mailing labels shall be provided by the applicant for all abutting owners, for the Council Office, the Neighborhood Council and for the Los Angeles Police Department. A public hearing shall be conducted. The purpose of the Plan Approval procedure is to review each proposed venue in greater detail and tailor specific conditions for each premise including but not limited to hours of operation, seating capacity, size, security, the length of a term grant and/or any requirement for a subsequent Approval of Plans application to evaluate compliance and effectiveness of the conditions of approval. Conditions herein shall be incorporated into each Plan Approval unless in the opinion of the decision-maker the applicant has justified otherwise. (Future operators may request beer and wine sales in lieu of a full line of alcoholic beverages when they file their Plan Approval.)
- c. There shall be no coin-operated game machines or video machines permitted on the premises at any time.

- d. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
- e. Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- f. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises. Additionally, the licensee(s) shall not provide, permit or make available, either gratuitous or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
- g. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
- h. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the applicant.
- i. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
- j. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the venue.
- k. Security cameras shall be maintained on the premises that are serving alcohol and a one-month video library that covers all common areas of the premises, high-risk areas, the patios and entrances and exits.
- l. Security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.
- m. The operator shall maintain a security log of events, incidents and evictions of patrons. This log shall be maintained in the office on the premises at all times and shall be immediately produced upon request of any Los Angeles Police Officer.
- n. There shall be no adult entertainment pursuant to LAMC Section 12.70.
- o. The applicant/ operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:

- Posted at the entry, and the cashier or customer service desk,
  - Provided to the immediate neighbors, schools and the Neighborhood Council,
  - Responded to within 24-hours of any complaints/inquiries received on this hot line, and,
  - The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department, State ABC Investigators and the Department of City Planning's Condition Compliance Unit upon request.
- p. Any outdoor dining area in the public right-of-way shall obtain a revocable permit from the Bureau of Engineering prior to the opening of the outdoor dining area.
- q. A "designated driver program" shall be implemented in which free non-alcoholic beverages such as coffee, tea or soft drinks will be offered to the designated driver of a group. The availability of this program shall be made known to patrons either via a card placed on all tables and bars or in a program description in the menu.
- r. Within 6 months of the effective date of any Plan Approval granted pursuant to this Master Conditional Use Permit, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department's "Standardized Training for Alcohol Retailers" STAR program. Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Department of City Planning's Condition Compliance Unit as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff.
- s. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Condition Compliance Unit will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
- t. Prior to the beginning of operations, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows:
- We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on and off-site consumption, in conjunction the [restaurant][facility], known as [NAME OF VENUE][NAME OF FACILITY], and agree to abide and comply with said conditions.*
- u. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this

action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Condition Compliance Unit within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation. This Condition does not apply to any change of ownership of the overall development currently known as 1020 S. Figueroa Street Project.

- v. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.

**CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES**

In approving the instant grant, the City Planning Commission has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The City Planning Commission has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the City Planning Commission acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the City Planning Commission.

- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising or signs of any type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. This condition is not meant to preclude an interior display of alcoholic beverage containers within the interior of the restaurant space. The only exception to this restriction is the posting of a single menu on the outside wall.
- There shall not be any sale of single cans or bottles of beer, wine coolers, or malt liquor from pre-packaged 6- or 4- packs. The sale of individual cans or bottles of craft beer from 15+ fluid ounce containers is permissible.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if

- such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- All personnel selling, dispensing and serving the alcoholic beverages must be 21 years old or older.
  - Partitions separating both/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility.
  - The subject Alcoholic Beverage license shall not be exchanged for a public premises type license.
  - Sales and delivery of alcoholic beverages to customers shall be made from behind a counter where an employee of the licensee will obtain the product. No self-service of alcoholic beverages by patrons from behind the bar is permitted.
10. **Solar.** The project shall provide a minimum of 4,600 square feet of solar panels. Solar panels shall be installed on all rooftop areas, as shown on the roof plans labeled Exhibit "A".
11. **Streetscape Plan.** The project shall be designed in compliance with the Los Angeles Sports and Entertainment District Streetscape Plan.
12. **Bicycle Parking.** On-site bicycle parking shall be provided in compliance with LAMC Section 12.21-A, 16.
13. **EV Parking.** The Proposed Project shall include at least twenty percent (20%) of the total Code-required parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Of the 20% EV Ready, five (5)% of the total Code-required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20% or 5% results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
14. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities<sup>1</sup>, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 473-9723.

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<sup>1</sup> Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity



- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
  - The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
  - The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
  - If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
  - The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
  - Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
  - Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.
15. **Maintenance.** The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
16. **Graffiti Removal.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
17. **Aesthetics.** The structure, or portions thereof shall be maintained in a safe and sanitary condition and good repair and free of graffiti, trash, overgrown vegetation, or similar material, pursuant to Municipal Code Section 91,8104. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.

**B. Administrative Conditions**

18. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.

19. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
20. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
21. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
22. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
23. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
24. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
  - i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does

- not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

## FINDINGS

### A. General Plan

#### 1. General Plan Land Use Designation.

The subject property is located within the Central City Community Plan area (adopted January 8, 2003), which designates the property as Regional Center Commercial land use with the corresponding zones of CR, C1.5, C2, C4, C5, RD, R4, R5, RAS3, and RAS4 and High Density Residential land uses with a corresponding zone of R5. On December 16, 2016, the Department of City Planning initiated an amendment to the Figueroa and Olympic Sign District to expand the existing boundaries of the Figueroa and Olympic Sign District that is currently bounded by 9<sup>th</sup> Street, Figueroa Street, Flower Street, and Olympic Boulevard, to include the subject site.

The project involves a mixed-use development consisting of a 300-room hotel, 435 residential units, and 58,959 square feet of commercial uses. The development and the Sign District are consistent with the applicable zoning regulations and land use policies of the Central City Community Plan, which aims to provide a variety of housing opportunities, maximize development opportunities around future transit systems, and to enhance the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance.

#### 2. General Plan Text

- a. Central City Community Plan: The mixed-use development is consistent with several objectives and policies of the Central City Community Plan. The plan text includes the following relevant residential and commercial objectives and policies:

##### **Residential**

Objective 1-1: To promote development of residential units in South Park.

Objective 1-2: To increase the range of housing choices available to Downtown employees and residents.

##### **Commercial**

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

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.

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.

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 mixed-use project replaces a 178-room hotel and surface parking lots in an area characterized by entertainment uses (LA Live and Staples Center), the Convention Center, and commercial, restaurants, and multi-family residential uses that are in close proximity to numerous public transit options, including Metro Local and Express Lines, LADOT DASH and Commuter Express Lines, and the Metro Blue, Expo, Red, and Purple Lines. The project provides much-needed housing, hotel rooms, and jobs to the Central City area, and includes landscaping and pedestrian improvements that support this area as a vibrant 24-hour downtown environment that will serve the residents and employees of the South Park area, as well as visitors for business, conventions, trade shows, and tourism.

- b. Framework Land Use Chapter: The Framework Element's Land Use chapter policy encourages the retention of the City's stable residential neighborhoods and proposes incentives to encourage whatever growth that occurs to locate in neighborhood districts, commercial and mixed-use centers, along boulevards, industrial districts, and in proximity to transportation corridors and transit stations. Land use standards and densities vary by location to reflect the local conditions and diversity and range from districts oriented to the neighborhood, the community, the region, and, at the highest level, the national and international markets.

The General Plan Framework identifies Regional Centers as focal points of regional commerce, identity, and activity and offering a "diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services." Regional Center provides "a significant number of jobs and many non-work destinations that generate and attract a high number of vehicular trips. Consequently, each center shall function as a hub of regional bus or rail transit both day and night."

The project supports and will be generally consistent with the General Plan Framework Land Use Chapter as it accommodates development of residential uses in accordance with the applicable policies of the Central City Community Plan. Specifically, the project will comply with the Regional Centers following goal, objective and policies set forth in the General Plan Framework Land Use Chapter:

Goal 3F: Mixed-use centers that provide jobs, entertainment, culture, and serve the region.

Objective 3.4: 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.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

The project is a mixed-use development consisting of a 300-room hotel, 435 residential units, and 58,959 square feet of commercial uses. The new hotel, commercial, and restaurants will provide new job opportunities. The residential and commercial uses will be well served by transit, including the Pico Station operated which serves the Blue Line and the Expo Line, the 7th Street/Metro Center Station which provides rail service to the Blue, Expo, Red, and Purple Lines, multiple Metro bus lines, and DASH services. As proposed, the project is meeting the intent of the goals, policies and objectives of the Framework Element.

- c. Housing Element: 2013-2021 Housing Element, the Housing Element of the General Plan, is the City's blueprint for meeting housing and growth challenges. The Housing Element identifies the City's housing conditions and needs, identifies goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City has committed to in order to implement and create sustainable, mixed-income neighborhoods across Los Angeles. The project is consistent with the following goals, objectives and policies of the Housing Element:

Goal 1: Housing Production and Preservation: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1.1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.

Policy 1.1.4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

Policy 1.3.5: Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within the City to meet the projections of housing needs, according to the policies and objectives of the City's Framework Element of the General Plan.

Objective 2.2: Promote sustainable neighborhoods that have mixed incomes housing, jobs, amenities, services and transit.

The site currently does not include residential uses. The project proposes to develop 435 residential condominium units in a range of sizes, including one, two and three-bedroom units, and penthouse units. The variety in dwelling unit types will accommodate a variety of family sizes within the existing mixed-use community. The project's 435 residential units will help further achieve the Mayor's goal of producing 100,000 dwelling units by 2021. Furthermore, the project is located within walking distance to several Metro Local and Rapid bus lines, DASH bus lines and Commuter Express Lines, and the Metro Blue, Red, and Purple Lines.

Goal 2: Safe, Livable and Sustainable Neighborhoods

Objective 2.3: Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.

Policy 2.3.2: Promote and facilitate reduction of water consumption in new and existing housing.

Policy 2.3.3: Promote and facilitate reduction of energy consumption in new and existing housing.

Objective 2.4: Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

Policy 2.4.1: Promote preservation of neighborhood character in balance with facilitating new development.

The mixed-use project will replace existing parking lots and a 178-room hotel, creating a safe and livable environment adjacent to existing employment and several public transportation lines. The project also includes several amenities for residents, employees and visitors including a commercial retail, restaurant establishments, entertainment uses, and publically accessible open space. In addition, the project will comply with all state, regional, local and LAMC requirements for water and energy conservation and waste reduction. The project also includes EV ready parking spaces and 51,975 square feet of open space, including landscaped public courtyards.

- d. Health and Wellness Element: Plan for a Healthy Los Angeles, the Health and Wellness Element of the General Plan, seeks the promotion of a healthy built environment in a manner that enhances opportunities for improved health and well-being, and which

promotes healthy living and working conditions. As further analyzed in the EIR and herein, the project is consistent with the following policies:

Policy 2.2: Healthy building design and construction

“Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.”

The project includes mixed-use development consisting of a 300-room hotel, 435 residential units, and 58,959 square feet of commercial uses. The project also includes 51,975 square feet of open space of public and private open space, including landscaped plazas that will be publicly accessible. The project’s location, near numerous public transportation lines will encourage pedestrian circulation.

Policy 2.6: Repurpose underutilized spaces for health

“Work proactively with residents to identify and remove barriers to leverage and repurpose vacant and underutilized spaces as a strategy to improve community health.”

The project will replace existing surface parking lots and hotel use with a 300-room hotel, 435 residential units, and 58,959 square feet of commercial uses that will be a significant benefit to the immediate community. In addition, the project will provide 51,975 square feet of open space.

Policy 5.1: Air pollution and respiratory health

“Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.”

The project is located within walking distance of several public transportation lines and is adjacent to designated bicycle lanes. Project residents and visitors will be within walking distance of retail, restaurants and jobs. In addition, the project provides 654 bicycle parking spaces and EV ready parking spaces, to encourage alternative means of transportation, thus reducing air pollution from vehicles. The project also provides HVAC systems for all residential units with the minimum Code required MERV 8 rated filters to improve the health and welfare of project residents.

Policy 5.7: Land use planning for public health and GHG emission reduction

“Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors and others susceptible to respiratory diseases.”

As discussed above, the project includes bicycle parking and EV ready spaces to help reduce GHG emissions during operation of the project.



- e. Mobility Element: Mobility Plan 2035, the Mobility Element of the General Plan, will not be negatively affected by the recommended action herein. The project is consistent with the five goals of the plan to provide:
1. Safety First
  2. World Class Infrastructure
  3. Access for All Angelenos
  4. Collaboration, Communication and Informed Choices
  5. Clean Environments & Healthy Communities

Pursuant to Mobility Plan 2035, the designations of the project's adjacent streets are:

Figueroa Street is a Modified Boulevard II, dedicated to a variable width of 107 to 111.5 feet along the project's west street frontage; Flower Street is a Modified Avenue II, dedicated to a 90-foot width along the project's east street frontage; Olympic Boulevard is a Boulevard II, dedicated to a variable width of 100 to 122 feet along the project's north street frontage; and 11th Street is a Modified Collector Street, dedicated to a 91-foot width along the project's south street frontage. Moreover, the Bureau of Engineering has required dedications and improvements on Olympic Boulevard and Figueroa Street, and improvements on Flower Street. The project site is served by the following transit and bus lines:

- Metro Local Lines: 14, 28, 30, 33, 37, 55, 66, 70, 71, 76, 78, 79, 81, and 96
- Metro Limited Lines 330 and 355
- Metro Express Lines 442 and 460
- Metro Rapid 728, 733, and 770
- Metro Silver Line
- LADOT DASH D and F
- LADOT Commuter Express Lines: 419, 431, 437, 438, 448, and 534
- Foothill Transit Lines: 493, 497, 498, 499, and 699
- Foothill Transit Silver Streak
- OCTA Lines: 701 and 721
- Santa Monica Big Blue Bus Rapid 10
- Torrance Transit 4
- Metro Blue Line (Pico Station at Flower Street/Pico Boulevard)
- Metro Expo Line (Pico Station at Flower Street/Pico Boulevard)
- Metro Red Line (7<sup>th</sup> Street/Metro Center Station)
- Purple Line (7<sup>th</sup> Street/Metro Center Station)

Bicycle Lanes are proposed in the 2010 Bicycle Plan for Figueroa Street, Flower Street, Hill Street, 11th Street east of Main Street, Pico Boulevard, and Venice Boulevard. Bicycle Routes/bicycle-friendly streets are also proposed on Hope Street north of Pico Boulevard, 11th Street west of Main Street, and Pico Boulevard east of Hope Street. The dedicated bicycle lanes on Figueroa Street are estimated to be installed by the completion of Phase 1 of the project (second quarter of 2020). As shown in the Mobility Plan, the Bicycle Enhanced Network designates Figueroa Street (between 7th Street and 11th Street), and 11th Street (between Figueroa Street and Broadway) for priority planned bicycle lanes, and 11th Street (west of Figueroa) for inclusion in the Priority Neighborhood Enhanced

Network. The Bicycle Lane Network would include priority planned bicycle lanes on Venice Boulevard/16th Street and planned bicycle lanes on Flower Street, Hill Street, Pico Boulevard, and Washington Boulevard.

Bicycle lanes, which are facilities where bicycles have use of a dedicated and striped lane within the roadway, are a component of street design with dedicated striping, separating vehicular traffic from bicycle traffic. These facilities offer a safer environment for both cyclists and motorists. Bicycle routes, which are facilities where bicycles share the lane with vehicular traffic on a marked and signed roadway, are identified as bicycle-friendly streets where motorists and cyclists share the roadway and there is no dedicated striping of a bicycle lane. Bicycle routes are preferably located on collector and lower volume arterial streets.

- f. Sewerage Facilities Element: Improvements may be required for the construction or improvement of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants, which will assure compliance with the goals of this General Plan Element.
  
- g. Redevelopment Plan: Enacted on June 29, 2011, Assembly Bill 1x-26 (AB 26) revised provisions of the Community Redevelopment Law of the State of California, to dissolve all redevelopment agencies and community development agencies in existence and designate successor agencies, as defined, as successor entities. Among the revisions, the amendments to the law withdrew all authority to transact business or authorize powers previously granted under the Community Redevelopment Law (Section 34172.a.2), and vested successor agencies with all authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies (Section 34172.b). The CRA/LA, is the Designated Local Authority, and successor agency to the CRA.

The project site is located within the boundaries of the City Center Redevelopment Project Plan area. As such, consistency with the Redevelopment Plan goals and objectives must be examined together with the land use policies of the Central City Community Plan. The project is consistent with the following objectives of the Redevelopment Plan:

- Objective 2. To further the development of Downtown as the major center of the Los Angeles metropolitan region, within the context of the Los Angeles General Plan as envisioned by the General Plan Framework, Concept Plan, City-wide Plan portions, the Central City Community Plan, and the Downtown Strategic Plan.
  
- Objective 3. To create an environment that will prepare, and allow, the Central City to accept that share of regional growth and development which is appropriate, and which is economically and functionally attracted to it.
  
- Objective 4. To promote the development and rehabilitation of economic enterprises including retail, commercial, service, sports and entertainment, manufacturing, industrial and hospitality uses that are intended to provide employment and improve the Project Area's tax base.

- Objective 5. To guide growth and development, reinforce viable functions, and facilitate the redevelopment, revitalization or rehabilitation of deteriorated and underutilized areas.
- Objective 6. To create a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing.
- Objective 12. To provide a full range of employment opportunities for persons of all income levels.

The project will revitalize the Redevelopment Plan area by redeveloping the site with a mixed-use project with residential, commercial, restaurant, and hotel office uses. The project will generate increased activity on-site, further promoting a sense of place in the community and decreasing the spread of blight and deterioration. The new uses will provide approximately 439 net new job opportunities and will increase property tax, transient occupancy tax, and retail sales tax revenues.

### **Entitlement Findings**

1. **Establishment of Sign District.** Pursuant to Section 13.11 of the LAMC and the procedures set forth in 12.32-S, the establishment of a Sign District is subject to the following conditions:
  - a. **The proposed Sign District is in conformance with the purposes, intent and provisions of the City of Los Angeles General Plan.**

The project will consist of a mixed-use development consisting of 300 hotel rooms, 435 residential units, and 58,959 square feet of commercial uses, and the demolition of the existing surface parking lots and 178-room hotel. The proposed Sign District is amending the existing Figueroa and Olympic Sign District to expand the existing boundaries of the Figueroa and Olympic Sign District that is currently bounded by 9<sup>th</sup> Street, Figueroa Street, Flower Street, and Olympic Boulevard, to include the subject site.

The amended Sign District will support an active street front experience on all sides, particularly along the Figueroa corridor. The Sign District supports the vision of the immediate area along Figueroa Street as an entertainment-oriented corridor. The project includes 300 hotel rooms, 435 residential units, and 58,959 square feet of commercial uses, and a 5,000 square-foot plaza located directly across LA LIVE. The Sign District includes on- and off-site signage in various sign forms including wall signs, digital displays and streaming signage, building identification signs, and wayfinding signage. The project and hotel identity signage is integrated with the façade of the buildings and is compatible with the contemporary design of the buildings. The expansion of the Sign District, in conjunction with the new mix-use project, will transform the project site from a mere hotel and surface parking lots to a destination for employees, residents, tourists, and nearby community during the day and night.

A total of seven digital display signs are proposed to be located on the podium facades facing Olympic Boulevard, Figueroa Street, and 11<sup>th</sup> Street. The total signage area of digital display is approximately 16,013 square feet of signage. The proposed digital display signage includes five signs on the Figueroa Street façade, one sign on Olympic Boulevard, and one on 11<sup>th</sup> Street. In addition, four Building ID signs are proposed at the roof of the hotel and residential towers.

The project also contains hotel identification signs, residential identification signs, retail/commercial tenant identification signs and parking and loading dock location and entry signs within Level 1, located between 0 and 25 feet above ground level facing W. Olympic Boulevard, S. Figueroa Street, 11<sup>th</sup> Street, and S. Flower Street. There is no digital signage facing S. Flower Street, other than the tenant and wayfinding signage in compliance with LAMC 14.4, except for the Building ID signage on the top of the residential and hotel towers. At its meeting on December 5, 2017, the Planning Land Use Management Committee modified the Supplemental Use District for the Figueroa and Olympic South Sign District with the following modifications: (1) include a take-down of 2:1 for digital display signs or an in-lieu credit of \$62.50 square foot for digital display sign with the Sign District; and, (2) removed the language related to sign enforcement by the Department of Building and Safety, regarding violations and administrative civil penalties.

The amended Sign District establishes illumination standards and guidelines. In addition, the Sign District establishes the requirements governing the types, locations, maximum height, maximum allowable area, hours of operation, and brightness for new signage. The Sign District also identifies permitted location and sign types, including all signs permitted by LAMC Section 14.4.2, and integral digital display signs. The Sign District prohibits all animated signs in the following classifications: aerial view signs, billboards, can signs, captive balloon signs, illuminated architectural canopy signs, inflatable devices, internally-illuminated awning signs, pole signs, roof signs, and sandwich board signs. The specific regulations of the Sign District are located in Exhibit E, Draft Sign District Ordinance.

The project is located within the Central City Community Plan area, with Regional Center Commercial and High Density Residential land use designations. This area of the community plan is envisioned as an entertainment district. The Sign District is consistent with applicable Central City Community Plan objectives and policies:

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.

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.

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 amended Sign District includes specific regulations for each type of sign to establish a unified sign program for the project as well as specific locations for each sign. In addition, the signage is designed to be physically integrated with the building façade and complement the contemporary architecture of the project. The digital signage is purposely oriented towards Figueroa Street, directly across LA LIVE, where the major transit lines travel. As such, the Sign District is in conformance with the purposes, intent and provisions of the General Plan.

Additionally, the mixed-use project and Sign District are consistent with the project site's Regional Center Commercial and High Density land use designation. The project site is a centrally located, highly urbanized area of the City, directly across from LA Live, Staples Center, and the Convention Center. The Sign District further promotes and enhances the identity of the area along Figueroa Street as a transit-oriented and entertainment district. The sign district regulations will assure appropriate intensity and design, while recognizing the regional significance of the entertainment district to the character and economic vitality of the City.

**b. The proposed Sign District would conform to public necessity, convenience, general welfare and good zoning practice.**

The amended Sign District will support an active street front experience on all sides, particularly along the Figueroa corridor. The Sign District supports the vision of the immediate area along Figueroa Street as an entertainment-oriented corridor. The project includes 300 hotel rooms, 435 residential units, and 58,959 square feet of commercial uses, and a 5,000 square-foot plaza located directly across LA LIVE. The Sign District includes on- and off-site signage in various sign forms including wall signs, digital displays and streaming signage, building identification signs, and wayfinding signage. The project and hotel identity signage is integrated with the façade of the buildings and is compatible with the contemporary design of the buildings. The expansion of the Sign District, in conjunction with the new mix-use project, will transform the project site from a mere hotel and surface parking lots to a destination for employees, residents, tourists, and nearby community during the day and night.

In addition, the Sign District is expected to attract visitors to adjacent entertainment, businesses, retail establishments and restaurants in the surrounding area. The Sign District reinforces the project vicinity's identity as a mixed-use, entertainment-oriented corridor, while reinforcing the pedestrian-oriented character of the streets surrounding the project site. The amended Sign District will enhance the environment by complementing the existing uses in the area through the introduction of the ground floor storefront windows and tenant signage.

The amended Sign District reflects good zoning practice because it is consistent with the character and sign regulations of comparable mixed-use, transit-oriented developments in the area. The Sign District establishes illumination standards and guidelines. The Sign District establishes the requirements governing the types, locations, maximum height,

maximum allowable area, hours of operation, and brightness for new signage. Signage includes various sign forms including wall signs, digital displays and streaming signage, building identification signs, and wayfinding signage. The Sign District also identifies permitted location and sign types, including all signs permitted by LAMC Section 14.4.2, and integral digital display signs. The signage is designed to be physically integrated with the building façade and complement the contemporary architecture of the project. In addition, the digital signage is purposely oriented towards Figueroa Street, an entertainment-oriented corridor and where the major transit lines travel. At its meeting on December 5, 2017, the Planning Land Use Management Committee modified the Supplemental Use District for the Figueroa and Olympic South Sign District with the following modifications: (1) include a take-down of 2:1 for digital display signs or an in-lieu credit of \$62.50 square foot for digital display sign with the Sign District; and, (2) removed the language related to sign enforcement by the Department of Building and Safety, regarding violations and administrative civil penalties.

Under Section 13.11-C, a Sign District may be adopted within a supplemental use district, provided it does not supersede its regulations. The Sign District will not supersede any regulations of the 'O' Oil Drilling District. Additionally, the project site is not subject to any conditions pursuant to the Oil Drilling District.

The signage program is consistent with various guidelines and standards applicable to the project site related to complementary uses and integration of signage with the design of the buildings, thereby ensuring consistency across the project site.

The enabling language for the establishment of sign districts, pursuant to LAMC Section 13.11-B 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 "Regional Center," "Regional Commercial," or "High Intensity Commercial," or within any redevelopment project area.

The site is located in the C2 and R5 Zones with a Regional Center Commercial and High Density Residential land use designation within the adopted Central City Community Plan area. The site is also located within the boundaries of the City Center Redevelopment Project Plan area.

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

The amended Figueroa and Olympic South Sign District, is 6.7 acres in size and consists of two City blocks.

- (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 or Planning.

The amended Sign District consists of two City blocks that are bisected by Olympic Boulevard, a public street.

- (D) Precise boundaries are required at the time of application for or initiation of an individual district.

The amended Sign District application submitted at the time of filing includes a radius map and legal description of the entire project site.

**c. The Proposed Sign District Would Directly Advance the Purposes of Aesthetics and Traffic Safety.**

The amended Sign District provides an exception to the Citywide sign regulations as is typical for other sign districts within the City in cases where there are aesthetic and other benefits that will result from a sign district. The project will consist of a mixed-use development consisting of 300 hotel rooms, 435 residential units, 58,959 square feet of commercial uses, and a plaza and an amended sign District. The Sign District supports the vision of the immediate area along will further the development of Figueroa Street as a mixed-use, entertainment-oriented corridor. The Sign District includes project identity, hotel identity, retail identity and static signage. In addition, the digital signage is purposely oriented towards Figueroa Street, an entertainment-oriented corridor and where the major transit lines travel.

The expansion of the Sign District, in conjunction with the new mix-use project, will transform the project site from a mere hotel and surface parking lots to a destination for employees, residents, tourists, and nearby community during the day and night. The amended Sign District supports the vision of the immediate area along Figueroa Street as an entertainment-oriented corridor. The project includes various streetscape and sidewalk improvements as well as publically accessible open spaces. Sidewalks will be activated with implementation of the hotel, ground floor retail and restaurant uses. The improvements to the project site will facilitate activity on the adjacent streets and sidewalks, encouraging pedestrian and bicycle travel and promoting the walkability of and around the project vicinity. Project elements, including pedestrian level tenant signage, will create strong connections between the project and the adjacent LA Live, the Staples Center Arena, and the Los Angeles Convention Center. Additionally, the project site's close proximity to transit stops and stations support the project site as a significant mixed-use development to the area, as a destination for residents, employees, tourists and nearby neighborhoods. Therefore, the amended Sign District is appropriate for the entertainment based area.

Although the project will result in unavoidable traffic impacts, no impacts to traffic safety due to permitted signs under the Sign District will occur. Signs are arranged and regulated in a manner that will not pose hazards to traffic or pedestrian safety. As such, the project is subject to conditions of approval, as well as project design features and mitigation measures, to minimize any adverse effects due to traffic. Specifically, mitigation measure MM-TRAF-1, includes vehicle trip reduction measures to encourage the use of transit and reduce vehicle trips, thereby minimizing potential operational parking and traffic impacts on the surrounding street system to the maximum extent feasible. In addition, any site is located approximately 1,446 feet from the 110 Freeway. Therefore, the project is not subject to the regulations of the Outdoor Advertising Act.

Impacts of the project regarding light and glare would be less than that of the previous proposed original project and would not exceed City thresholds.

## 2. Transfer of Floor Area Rights Findings

- 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 project site (receiver site) is bounded on the north by Olympic Boulevard, on the south by 11<sup>th</sup> Street, on the west by Figueroa Street, and on the east by Flower Street. The project site is located within 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 access to public transit and other modes of transportation. The project site is served by the following transit and bus lines:

- Metro Local Lines: 14, 28, 30, 33, 37, 55, 66, 70, 71, 76, 78, 79, 81, and 96
- Metro Limited Lines 330 and 355
- Metro Express Lines 442 and 460
- Metro Rapid 728, 733, and 770
- Metro Silver Line
- LADOT DASH D and F
- LADOT Commuter Express Lines: 419, 431, 437, 438, 448, and 534
- Foothill Transit Lines: 493, 497, 498, 499, and 699
- Foothill Transit Silver Streak
- OCTA Lines: 701 and 721
- Santa Monica Big Blue Bus Rapid 10
- Torrance Transit 4
- Metro Blue Line (Pico Station at Flower Street/Pico Boulevard)
- Metro Expo Line (Pico Station at Flower Street/Pico Boulevard)
- Metro Red Line (7<sup>th</sup> Street/Metro Center Station)
- Metro Purple Line (7<sup>th</sup> Street/Metro Center Station)

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 would encourage the use of transit by residents and their guests, employees and visitors. 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 proposed project constitutes an infill development that makes more intensive use of a site. The project will ensure compatibility with other development in the surrounding neighborhood by providing all parking within four subterranean levels, removing all four existing driveways along Figueroa Street, and limiting vehicle access to Olympic Boulevard, Flower Street, and 11<sup>th</sup> Street.

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 site is located in an area characterized by a mix of entertainment, commercial, restaurant, office, and multi-residential uses. Adjacent uses consist of high-rise mixed-use residential and commercial buildings to the north across Olympic Boulevard; to the south across 11th Street is the Oceanwide Plaza that is currently under construction that will include a high rise mixed-use residential, commercial, and hotel project; LA LIVE, an entertainment, hotel, and residential complex to the west across Figueroa Street; and the Staples Center Arena and the Los Angeles Convention Center to the southwest across Figueroa Street; to the immediate east is an office building with ground floor commercial uses (Petroleum Building), surface parking, and the El Cholo restaurant; and mid-and high-rise multi-family residential and mixed use buildings to the east across Flower Street.

The 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 uses 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 residential, hotel, and commercial uses in the South Park area, 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 project is consistent with the purposes and objectives of the Redevelopment Plan.**

The project is located in the City Center Redevelopment Project Area. The City Center Redevelopment Plan's primary objective is eliminating and preventing blight in the area. The project supports and is consistent with the following objectives of the City Center Redevelopment Plan.

Objective 1: To eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the project area in accordance with this plan.

Objective 2: To further the development of Downtown as the major center of the Los Angeles metropolitan region, within the context of the Los Angeles General Plan as envisioned by the General Plan Framework, Concept Plan, City-wide Plan portions, the Central City Community Plan, and the Downtown Strategic Plan.

Objective 3: To create an environment that will prepare, and allow, the Central City to accept that share of regional growth and development which is appropriate, and which is economically and functionally attracted to it.

Objective 4: To promote the development and rehabilitation of economic enterprises including retail, commercial, service, sports and entertainment, manufacturing, industrial and hospitality uses that are intended to provide employment and improve the Project Area's tax base.

- Objective 5: To guide growth and development, reinforce viable functions, and facilitate the redevelopment, revitalization or rehabilitation of deteriorated and underutilized areas.
- Objective 6: To create a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing.
- Objective 7: To create a symbol of pride and identity which give the Central City a strong image as the major center of the Los Angeles Region.
- Objective 8: To facilitate the development of an integrated transportation system which will allow for the efficient movement of people and goods into, through and out of the Central City.
- Objective 9: To achieve excellence in design, based on how the Central City is to be used by people, giving emphasis to parks, green spaces, streetscapes, street trees, and places designed for walking and sitting, and too develop an open space infrastructure that will aid in the creation of a cohesive social fabric.
- Objective 12: To provide a full range of employment opportunities for persons of all income levels.

The project will revitalize the Redevelopment Plan area by redeveloping the site by replacing a 178-room hotel and surface parking lots with a mixed-use project with residential, commercial, restaurant, and hotel office uses. The project will generate increased activity on-site, further promoting a sense of place in the community and decreasing the spread of blight and deterioration. The hotel will provide a 24-hour community in downtown located across the street from the LA Live, the Convention Center, and Staples Center. The project is in close proximity to numerous public transit options, including Metro Local and Express Lines, LADOT DASH and Commuter Express Lines, and the Metro Blue, Expo, Red, and Purple Lines. The transfer would increase the redevelopment potential of the site by facilitating a mixed-use development that reinforces and enhances the existing South Park District, which currently accommodates a broad range of uses and job opportunities and attractions. The project provides much-needed for-sale housing, hotel rooms, and jobs to the Central City area, including landscaping and pedestrian improvements that support this as a vibrant 24-hour downtown environment that will serve the residents and employees of the South Park area, as well as visitors for business, conventions, trade shows, and tourism. The new uses will provide approximately 439 net new job opportunities and will increase property tax, transient occupancy tax, and retail sales tax revenues.

**c. The Transfer serves the public interest by complying with the requirements of Section 14.5.9 of this Code.**

As part of the Transfer Plan, a Public Benefit Payment is required and must serve a public purpose, such as: providing for affordable housing; public open space; historic preservation; recreational; cultural; community and public facilities; job training and outreach programs; affordable child care; streetscape improvements; public arts

programs; homeless services programs; or public transportation improvements. 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 \$7,216,612 (based on a formula that includes the Transfer of 236,752 square feet). At its meeting on December 5, 2017, the Planning Land Use Management Committee modified the Public Benefit Payment consisting of a 50 percent (50%) cash payment of \$3,608,306 to the Public Benefit Payment Trust Fund and has directed to provide public benefits by providing monies proposed to the Council District 14 Benefit Trust Fund for Affordable Housing, LA Streetcar, Pershing Square Renew, LANI/Bring Back Broadway, Downtown Women's Center, The People Concern (formerly LAMP), and Community Partners for DTLA Wayfinding Study purposes, which totals 50 percent or \$3,608,306 of the Public Benefit Payment.

Direct Provision of Public Benefits		
Recipient	Percentage	Total
Council 14 Public Benefit Trust Fund - Affordable Housing Sub-Account	15%	\$1,108,306
LA Streetcar	10%	\$750,000
Pershing Square Renew – Department of Rec & Parks	10%	\$750,000
LANI/Bring Back Broadway	8%	\$550,000
Downtown Women's Center	1%	\$100,000
The People Concern (formerly LAMP)	1%	\$100,000
Community Partners for DTLA Wayfinding Study	3%	\$250,000
<b>Total</b>	<b>50%</b>	<b>\$3,608,306</b>

**d. 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 Commercial and High Density land use designations. The Central City Community Plan describes the Transfer of Floor Area Ratio (TFAR) as follows (page III-19):

"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."

The transfer is in conformance with the Central City 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 objectives and policies contained in the Community Plan, including:

Objective 1-1: To promote development of residential units in South Park.

Objective 1-2: To increase the range of housing choices available to Downtown employees and residents.

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

- 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.
- 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.
- 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 mixed-use project replaces a 178-room hotel and surface parking lots in an area characterized by entertainment uses (LA Live and Staples Center), the Convention Center, and commercial, restaurants, and multi-family residential uses that are in close proximity to numerous public transit options, including Metro Local and Express Lines, LADOT DASH and Commuter Express Lines, and the Metro Blue, Expo, Red, and Purple Lines. The transfer would increase the redevelopment potential of the site by facilitating a mixed-use development that reinforces and enhances the existing South Park District, which currently accommodates a broad range of uses and job opportunities and attractions. The project provides much-needed for-sale housing, hotel rooms, and jobs to the Central City area, including landscaping and pedestrian improvements that support this as a vibrant 24-hour downtown environment that will serve the residents and employees of the South Park area, as well as visitors for business, conventions, trade shows, and tourism.

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."

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

"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."

"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."

“Gathering Places. Provide places for people to socialize, including parks, sidewalks, courtyards and plazas, that are complied with shops and services.

“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 project is planned so as to fulfill each of these important design principles, by: providing employment opportunities within the hotel and commercial spaces; providing housing choices that will serve a diverse population of downtown residents; utilizing proper site design that orients the building to create a pedestrian friendly environment along adjacent sidewalks while at the same time minimizing vehicle and pedestrian conflicts by removing driveways from Figueroa Street, and by locating high-density residential development in a transit-rich area. Additionally, the project will provide a 5,000 square-foot plaza located directly across from LA LIVE.

### 3. Conditional Use Findings

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

The subject site is located in the Central City Community Plan and has a Regional Center Commercial and High Density land use designations. The project site is an L-shaped 2.7 net-acre site, bordered on the north by Olympic Boulevard, on the south by 11<sup>th</sup> Street, on the West by Figueroa Street, and on the east by Flower Street. The proposed mixed-use development will consist of a 300-room hotel, 435 residential units, and 58,959 square feet of commercial uses within two towers (Residential Tower and Hotel Tower) and a podium structure.

The applicant is requesting a Master Conditional Use to permit the sales of a full line of alcoholic beverages within the following: 1) on-site sales, dispensing, and consumption for 25 portable units within the hotel; 2) on-site sales, dispensing, and consumption for the mini-bars within each hotel room; 3) on-site sales, dispensing, and consumption for five restaurants/bars within the hotel; and 4) on-site sales, dispensing, and consumption for 15 restaurants/bars within the commercial area; off-site sales for 3 retail establishments within the project site. The applicant is also requesting a Master Conditional Use to permit public dancing and live entertainment within 20 establishments.

Numerous residential lofts, condominiums and apartments have been and are being developed to attract a more residential population to the Central City. These current and future residents are demanding a broader array of dining and retail options than are currently available. At the same time, nearby workers and visitors, are also seeking

upscale and diverse dining venues for lunch, dinner and late night. The subject project would provide a convenient eating places as well as another hotel to serve the many residents and visitors in the area. It will also increase the number of hotel rooms within walking distance of the Convention Center and add to the number of dining and entertainment venues for Convention attendees.

The subject site is in a prime location where efforts to provide a vibrant 24-hour downtown environment in the South Park area have resulted in the development of mixed-use projects integrating with the surrounding neighborhood. The proposed hotel and restaurants will be desirable to the public convenience and welfare as it is near residences, office, commercial, retail, and entertainment uses, and is zoned for such. Outdoor dining areas are to be located along Figueroa Street will help activate the sidewalk during the evening and night hours. The proposed hotel and commercial uses are in a convenient location that residents, workers, and visitors for business, conventions, trade shows, and tourism can reach by walking or by public transit, and will provide alternative amenities and menus to the community and to the downtown area. The project will enhance the surrounding neighborhood and provide services that are beneficial to the community.

The Master Conditional Use permit provides an umbrella entitlement with conditions that apply to the subject property and in general to all venues. More specific physical and operational conditions will be included as part of the Approval of Plans determination required for each venue as established by the Master Conditional Use permit provisions. The proposed mixed-use development consisting of 300-room hotel, 435 residential units, and 58,959 square feet of commercial uses, in conjunction with the imposition of operational conditions as part of the Approval of Plans, will provide a function that is fitting and compatible with the character of the surrounding community and commercial viability of the region as a whole.

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

The project is a mixed-use development consisting of a 300-room hotel, 435 residential units, and 58,959 square feet of commercial uses. Surrounding uses consist of a mixture of entertainment, commercial, restaurant, bar, office, and multi-residential uses. Adjacent uses consist of high-rise mixed-use residential and commercial buildings to the north across Olympic Boulevard in the C2-4D Zone; to the south across 11th Street is the Oceanwide Plaza that is currently under construction that will include a high rise mixed-use residential, commercial, and hotel project; LA LIVE, an entertainment and hotel to the west across Figueroa Street in the LASED Zone; and the Staples Center Arena and the Los Angeles Convention Center to the southwest across Figueroa Street in the (Q)CEC-4D-O and C2-4D-O Zones; to the immediate east is an office building with ground floor commercial uses (Petroleum Building), surface parking, and the El Cholo restaurant in the [Q]R5-4D-O Zone; and mid-and high-rise multi-family residential and mixed use buildings to the east across Flower Street in the [Q]R5-4D-O Zone.

The applicant is requesting a Master Conditional Use Permit to allow to the sales of a full line of alcoholic beverages within the following: 1) on-site sales, dispensing, and consumption for 25 portable units within the hotel; 2) on-site sales, dispensing, and consumption for the mini-bars within each hotel room; 3) on-site sales, dispensing, and consumption for five restaurants/bars within the hotel; and 4) on-site sales, dispensing,

and consumption for 15 restaurants/bars within the commercial area; off-site sales for 3 retail establishments within the project site. The applicant is also requesting a Master Conditional Use to permit public dancing and live entertainment within 20 establishments.

As proposed, the use will serve the public convenience and welfare and as sited, the location is compatible with the surrounding community. The Master Conditional Use Permit also includes general conditions which will be supplemented by more tailored conditions designed to address the specific characteristics of each venue through the Approval of Plans determination. These conditions may include, but are not limited to a term grant, security, hours of operation, seating, size and any other conditions which are intended to minimize impacts on surrounding uses. Under each review, at its discretion, the Zoning Administrator and the Police Department will also have another opportunity to comment and recommend any conditions. The sale of alcohol is regulated by the State of California through the issuance of an Alcoholic Beverage Control License. Thus, as conditioned, combined with the enforcement authority of ABC and LAPD will ensure that the sale of alcohol will not be detrimental to the public health, safety and welfare.

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

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Central City Plan Map designates the property for Regional Center Commercial land use with the corresponding zones of CR, C1.5, C2, C4, C5, RD, R4, R5, RAS3, and RAS4 and High Density Residential land uses with corresponding zone of R5. The Central City Community Plan text is silent with regards to alcohol sales and live entertainment/public dancing. In such cases, the Zoning Administrator must interpret the intent of the Plan. The project is not located within a Specific Plan area. The proposed request for the sale of a full line of alcoholic beverages and public dancing and live entertainment in conjunction with the hotel and restaurants are consistent with the commercial land use discussion of the Community Plan, including:

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.

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.

- 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.
- 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.
- 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 Plan encourages new uses which strengthen the economic base and promote entertainment and pedestrian oriented areas. The project is located across the street from LA Live, Staples Center, and the Convention Center, promoting visitors to Downtown for business, conventions, trade shows, sporting events, and tourism. The request is in keeping with the policies of the Central City Community Plan, which seeks to promote land uses that will address the needs of workers, residents, and visitors to Downtown. Policy 2-4.1 also encourages the promotion of night life activity including restaurants, pubs and night clubs in existing pockets of activity. The subject uses are adjacent on two sides of the project to the Los Angeles Sports and Entertainment District Specific Plan which was designated to encourage such uses in the area.

#### **ADDITIONAL FINDINGS FOR ALCOHOL SALES:**

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

The subject site is planned for Regional Center Commercial with the corresponding zones of CR, C1.5, C2, C4, C5, RD, R4, R5, RAS3, and RAS4 and High Density Residential land uses with corresponding zone of R5. The Plan is zoned for commercial and multiple family uses and will be utilized as such with a mixed-use development consisting of a 300-room hotel, 435 residential units, and 58,959 square feet of commercial uses with a hotel and restaurants and commercial uses that offer the sale of alcohol for on and off-site consumption.

Conditions of approval are imposed to prevent impacts and integrate the uses into the community as well as protect community members from adverse potential impacts. All future operators are required to file plan approvals prior to opening to allow for the review of the mode of operation, security, and the floor plan. The limited term of the grant for each plan approval allows the City to review the operation of the establishment and consider any changes in the surroundings. The operation's conduct and any negative impacts it causes will be considered when a new plan approval is requested.

**e. 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 California State Department of Alcoholic Beverage Control licensing criteria, 4 on-site and 2 off-site licenses are allocated to the subject Census Tract No. 2079.00. There are currently 27 on-site and 7 off-site licenses active within this census tract. The data indicates that for the on- and off-site licenses, the tract is above its allocated number, which is not uncommon given the concentration of intense commercial activity in the area. The subject location is within the Regional Center Commercial and High Density Residential land use designations, which are intended to serve as the focal point for regional commerce, identity, entertainment, and activity. Given the diversity of uses permitted and encouraged within the Regional Center, a high concentration of alcohol licenses can be anticipated. There are a variety of establishments which have both on- and off-site alcohol sales in the area. There is a daytime population which includes local employees and the increasing number of residents and tourists during the evening and night hours. The request involves a number of establishments which will be monitored as a part of the entire complex's operational oversight as well as by specific conditions imposed under each individual Approval of Plans determination.

Statistics from the Los Angeles Police Department's Central Division reveal that in Crime Reporting District No. 182, which has jurisdiction over the subject property, a total of 482 crimes were reported in 2015, compared to the citywide average of 181 crimes and the high crime reporting district average of 217 crimes for the same period. Of the 450 crimes reported, 18 arrests were made for liquor laws, 22 arrests were made for public drunkenness, no arrests were made for disturbing the peace, 7 arrests were made for disorderly conduct, and 27 arrests were for driving under the influence. Crime reporting statistics for 2017 are not yet available.

The above figures indicate that the mixed-use development is located in a high crime reporting district. Due to high crime statistics, conditions typically recommended by the Los Angeles Police Department, such as those related to the STAR Program and age verification, have been imposed in conjunction with this Master Conditional Use Permit approval. Each establishment is part of a larger development will benefit from oversight of the building complex as a whole. Any concerns associated with any individual venue can be addressed in more detail through the Approval of Plans determination which is an opportunity to consider more specific operational characteristics as a tenant is identified and the details of each venue are identified. 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 site specific conditions.

- f. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to 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 following sensitive use is located within 1,000 feet of the subject site:

- I Am Temple of Los Angeles – 1020 South Hope Street
- South Park Neighborhood Center – 1020 South Hope Street
- California Children’s Academy – 1031 South Hope Street
- Hope Village Park – 1033 South Hope Street
- Grand Hope Park – 919 South Grand Avenue
- Multi-family residential uses.

The surrounding neighborhood has been and continues to be a commercial and entertainment neighborhood with a mixture of office, commercial, entertainment, restaurant, and residential uses. The project will not detrimentally affect the sensitive uses, neighboring residential, and commercial properties or other sensitive uses in the area because the sale of alcoholic beverages in the establishments will be in a controlled environment where the property owner retains responsibility for strict oversight due to the Master Conditional Use Permit. The proposed use will not detrimentally affect these sensitive uses within proximity of the subject site because conditions that will reduce any potential impacts related to the sale of alcoholic beverages have been imposed and for consideration by the State Department of Alcoholic Beverage Control. Individual establishments will have additional conditions tailored to the specific use and operation that will further any potential impacts to the surrounding uses.

#### 4. Site Plan Review Findings

- a. **Pursuant to L.A.M.C. Section 16.05, and based on these Findings, the recommended action is deemed in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The mixed-use project will consist of a 300-room hotel, 435 residential units, and 58,959 square feet of commercial uses within two towers (Residential Tower and Hotel Tower) and a podium structure. The project will be built in two phases. Phase 1 will include construction of the new hotel with its podium, commercial uses, and terraces. Phase 2 will start after the completion of Phase 1 and will include the demolition of the existing hotel and the construction of the residential tower, retail uses, and podium terraces. The project includes a total of 738 parking spaces and 654 bicycle spaces.

The project site is located within the Central City Community Plan area.

The mixed-use project is consistent with several goals, objectives, and polices of the Wilshire Community Plan. The plan text includes the following relevant residential and commercial land use goals, objectives and policies:

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.

- 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.
- 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.
- 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.
- 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 mixed-use project replaces a 178-room hotel and surface parking lots in an area characterized by entertainment uses (LA Live and Staples Center), the Convention Center, and commercial, restaurants, and multi-family residential uses that are in close proximity to numerous public transit options, including Metro Local and Express Lines, LADOT DASH and Commuter Express Lines, and the Metro Blue, Expo, Red, and Purple Lines. The project provides much-needed for-sale housing, hotel rooms, and jobs to the Central City area, including landscaping and pedestrian improvements that support this as a vibrant 24-hour downtown environment that will serve the residents and employees of the South Park area, as well as visitors for business, conventions, trade shows, and tourism.

The project site is located within the boundaries of the City Center Redevelopment Project Plan area. As such, consistency with the Redevelopment Plan goals and objectives must be examined together with the land use policies of the Central City Community Plan. The project is consistent with the following objectives of the Redevelopment Plan:

- Objective 2. To further the development of Downtown as the major center of the Los Angeles metropolitan region, within the context of the Los Angeles General Plan as envisioned by the General Plan Framework, Concept Plan, City-wide Plan portions, the Central City Community Plan, and the Downtown Strategic Plan.
- Objective 3. To create an environment that will prepare, and allow, the Central City to accept that share of regional growth and development which is appropriate, and which is economically and functionally attracted to it.
- Objective 4. To promote the development and rehabilitation of economic enterprises including retail, commercial, service, sports and entertainment,

manufacturing, industrial and hospitality uses that are intended to provide employment and improve the Project Area's tax base.

Objective 5. To guide growth and development, reinforce viable functions, and facilitate the redevelopment, revitalization or rehabilitation of deteriorated and underutilized areas.

Objective 6. To create a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing.

Objective 12. To provide a full range of employment opportunities for persons of all income levels.

The project will revitalize the Redevelopment Plan area by redeveloping the site with a mixed-use project with residential, commercial, restaurant, and hotel office uses. The project will generate increased activity on-site, further promoting a sense of place in the community and decreasing the spread of blight and deterioration. The new uses will provide approximately 439 net new job opportunities and will increase property tax, transient occupancy tax, and retail sales tax revenues.

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

The surrounding area is highly urban and consist of a mixture of entertainment, commercial, restaurant, and multi-residential uses. Adjacent uses consist of high-rise mixed-use residential and commercial buildings to the north across Olympic Boulevard; to the south across 11th Street is the Oceanwide Plaza that is currently under construction that will include a high rise mixed-use residential, commercial, and hotel project; LA LIVE, an entertainment, hotel, and residential complex to the west across Figueroa Street; and the Staples Center Arena and the Los Angeles Convention Center to the southwest across Figueroa Street; to the immediate east is an office building with ground floor commercial uses (Petroleum Building), surface parking, and the El Cholo restaurant; and mid-and high-rise multi-family residential and mixed-use buildings to the east across Flower Street.

The following project elements are incorporated into the project design in a manner that is compatible with both existing and future development in the surrounding area:

Height/Bulk

The mixed-use project will consist of a 300-room hotel, 435 residential units, and 58,959 square feet of commercial uses within two towers (Residential Tower and Hotel Tower) and a podium structure. The project will be built in two phases. Phase 1 will include construction of the new hotel with its podium, commercial uses, and terraces. Phase 2 will start after the completion of Phase 1 and will include the demolition of the existing hotel and the construction of the residential tower, retail uses, and podium terraces. The Hotel Tower is proposed at the southwest portion of the site, located at the corner of Figueroa Street and 11<sup>th</sup> street, and directly across the Staples Center Arena. The 29-story Hotel

Tower will have a maximum height of 430 feet in height. The Residential Tower is proposed at the northwest portion of the site, located at the corner of Olympic Boulevard and Figueroa Street. The 49 floor Residential Tower will have a maximum height of 540 feet.

The two towers will be located above a five-level podium, with a height of 75 feet, constructed in Phase 1 and a three-level podium, with a height of 55 feet constructed in Phase 2. The first and second above grade levels of the podium will include retail, restaurant, and other commercial uses, with ancillary hotel uses extending into the podium along 11<sup>th</sup> Street to S. Flower Street. The third to fifth levels of the podium will include an outdoor terrace, lounge, and fitness center for the residential use; restaurant uses; and the outdoor area and front office for the hotel use.

The project is compatible with the existing and future development of the adjacent properties. The surrounding properties includes a six-story LA LIVE structure; a mixed-used project to the south within three towers of a 10-story, 100-foot podium, with a maximum height of 632 feet; a mixed-use 36-story, 400-foot project located at 1101 S. Flower Street, located at 1200 Figueroa Street; the 11-story, 167-foot Petroleum Securities Building located at 714 Olympic Boulevard and 1011 S. Flower Street.

#### Building Materials

The proposed design is a contemporary style. The primary components of the exterior façade consist of low reflective glass, painted metal louvres, stone and concrete panels, metal, and windows of varying sizes. Large glass storefront windows, balconies, and entrances are integrated into the main façades. Glass screenings are used for all balcony areas. The architectural components of the building are defined by a change in building material and through a change in architectural details. Similarly, the ground floor of the building is defined by the use of large vertical windows and columns.

#### Setbacks

The project complies with the setback requirements of the Downtown Design Guide, which requires Retail Streets, and ground floor space designed for retail uses should be located at or within a few feet of the back of the required average sidewalk width.

#### Parking

The project includes 738 vehicular parking spaces within a four-level subterranean parking structure. Vehicular access will be provided from W. Olympic Boulevard, S. Flower Street and 11<sup>th</sup> Street. Vehicular access for the residential uses and service vehicles to the subterranean parking garage will be provided from an ingress/egress driveway along Olympic Boulevard. Primary vehicular access to the hotel will be from a driveway off of 11<sup>th</sup> Street, into the hotel porte cochere. The porte cochere will be used for loading, valet, and connects to the subterranean parking levels. Vehicular access for the hotel and commercial uses will be provided from an ingress/egress driveway along Flower Street. In addition, the project provides 654 bicycle parking spaces.

#### Signage and Lighting

The project includes lighting for signage, commercial and architectural accents, balcony lighting, wayfinding, and security. The project is proposing a Sign District with on- and off-site signage. The signage includes various sign forms including wall signs, digital displays and streaming signage, building identification signs, and wayfinding signage. No open

panel roof signs nor billboard signs are proposed. The Sign District establishes regulations and provisions regarding signage area, illumination levels, hours of operation, type of signage, location of signage, and compatibility of signage.

A total of seven digital display signs are proposed to be located on the podium facades facing Olympic Boulevard, Figueroa Street, and 11<sup>th</sup> Street. The total signage area of digital display is approximately 16,013 square feet of signage. The proposed digital display signage includes five signs on the Figueroa Street façade, one sign on Olympic Boulevard, and one on 11<sup>th</sup> Street. In addition, four Building ID signs are proposed at the roof of the hotel and residential towers.

The project also contains hotel identification signs, residential identification signs, retail/commercial tenant identification signs and parking and loading dock location and entry signs within Level 1, located between 0 and 25 feet above ground level facing W. Olympic Boulevard, S. Figueroa Street, 11th Street, and S. Flower Street. There is no digital signage facing S. Flower Street, other than the tenant and wayfinding signage in compliance with LAMC 14.4, except for the Building ID signage on the top of the residential and hotel towers.

#### Landscaping

The project will incorporate a variety of open space areas and amenities to accommodate the needs of the hotel guests, visitors, and residents. The project is required to provide 25,988 square feet of open space. The site will provide a total of 51,975 square feet of open space areas and 10,873 square feet will be landscaped, exceeding the minimum open space requirements.

The ground level will include a 5,000 square-foot plaza along Figueroa Street and a 2,700 square-foot plaza, located at the corner of Figueroa Street and Olympic Boulevard. The hotel will provide an outdoor roof terrace for the hotel guests on top of the podium structure that will include a swimming pool, reflecting pool, seating areas, and green space. A landscape podium will provide an outdoor roof terrace for the residential uses that will include a pool, dog run, barbeque/dining area, fire lounge, and an outdoor movie area. The residential uses will also include private balconies.

#### Equipment/Trash Collection

Roof-top mechanical equipment, will be screened from adjacent street levels with parapet walls. All trash areas are located within enclosed trash rooms within the parking and loading areas and not visible to the public. A central trash and recycling area is located on the first floor for the hotel and commercial uses. A central trash and recycling area is located on the first subterranean level of the parking garage for the residential tower. Trash chutes area are also located in each level of the residential tower.

- c. **That any residential project provide recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

As previously mentioned, the project includes 51,975 square feet of open space in the form of plazas, terraces, and other open space features. The residential open space amenities include a pool, dog run, barbeque/dining area, fire lounge, and an outdoor movie area; and an indoor fitness center and lounge. The hotel will provide an outdoor roof

terrace for the hotel guests on top of the podium structure that will include a swimming pool, reflecting pool, seating areas, and green space.

In addition, the EIR prepared for the project found that with implementation of regulatory requirements, such as the payment of the Dwelling Unit Construction Tax and/or the payment of Quimby Fees, impacts to local parks and recreation facilities will be less than significant. Therefore, it is determined that the project provides sufficient recreational and service amenities to serve residents without creating negative impacts on neighboring properties.