

**Fwd: Appeal of The Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa Street; 3901 – 3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZCHD- CU-MCUP-ZAD-SPR, ENV-2016-1892-EIR (SCH 2016071049).**

-----  
**Anna Martinez** <anna.martinez@lacity.org>  
To: Clerk Council and Public Services <Clerk.CPS@lacity.org>

Mon, Apr 15, 2019 at 9:57 AM

----- Forwarded message -----

From: **Mitchell Tsai** <mitch@mitchtsailaw.com>

Date: Mon, Apr 15, 2019 at 9:54 AM

Subject: Appeal of The Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa Street; 3901 – 3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZCHD- CU-MCUP-ZAD-SPR, ENV-2016-1892-EIR (SCH 2016071049).

To: Milena Zasadzien <Milena.Zasadzien@lacity.org>, <CityClerk@lacity.org>

Please see attached. Hard copies will be delivered to the City Planning counter today. Thank you.

Mitch

[Quoted text hidden]

---

 **20190415\_SAJE\_CPCAppeal\_Final.pdf**  
3516K



**APPLICATIONS:**

**APPEAL APPLICATION**

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

**1. APPELLANT BODY/CASE INFORMATION**

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR (Rekated Case VTT-74193-1A)

Project Address: 3900 S. Figueroa Street

Final Date to Appeal: 04/15/2019

- Type of Appeal:
- Appeal by Applicant/Owner
  - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
  - Appeal from a determination made by the Department of Building and Safety

**2. APPELLANT INFORMATION**

Appellant's name (print): Mitchell M. Tsai

Company: SAJE

Mailing Address: 152 West 32nd Street

City: Los Angeles State: CA Zip: 90007

Telephone: (213) 745-9961 E-mail: cstrathmann@saje.net

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?
  - Self
  - Other: \_\_\_\_\_
- Is the appeal being filed to support the original applicant's position?  Yes  No

**3. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): Mitchell M. Tsai

Company: MITCHELL M. TSAI, ATTORNEY AT LAW

Mailing Address: 155 South El Molino Avenue, Ste. 104

City: Pasadena State: CA Zip: 91101

Telephone: (626) 381-9248 E-mail: mitch@mitchtsailaw.com

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part  
 Are specific conditions of approval being appealed?  Yes  No

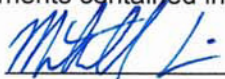
If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: April 15, 2019

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

P: (626) 381-9248  
F: (626) 389-5414  
E: mitch@mitchtsailaw.com



**Mitchell M. Tsai**  
Attorney At Law

155 South El Molino Avenue  
Suite 104  
Pasadena, California 91101

---

**VIA HAND DELIVERY & E-MAIL**

April 5, 2019

*Hand Delivered to:* City of Los Angeles  
Department of City Planning  
201 N. Figueroa Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012

*E-mail Delivery to:* Milena.Zasadzien@lacity.org  
cityclerk@lacity.org

RE: Appeal of The Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa Street; 3901 – 3969 South Flower Street, 450 West 39th Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR, ENV-2016-1892-EIR (SCH 2016071049)).

Dear Council President Wesson, Honorable City Council Members, Ms. Wolcott, Mr. Williams, Mr. Hendricks and Mr. Turner,

On behalf of SAJE (“**Commenter**” or “**SAJE**”), my Office is submitting these comments in support of its appeal of the Fig Project, 3900 S. Figueroa Street, 3900 – 3972 South Figueroa Street; 3901 – 3969 South Flower Street, 450 West 39<sup>th</sup> Street (Case Nos. VTT-74193-CN, CPC-2016-2658-VZC—HD-CU-MCUP-ZAD-SPR) (“**Project**”). My Office jointly represents SAJE with Public Counsel and PolicyLink Legal. These comments address issues identified with the Project, related approvals and its environmental documentation.

SAJE is a non-profit organization based in South Los Angeles that advocates for economic justice, tenant rights, healthy housing and equitable development. SAJE’s mission is to change public and corporate policy in a manner that provides concrete economic benefits to working class people, increase the economic rights of working class people, and builds leadership through a movement for economic justice; and in the process creating sustainable models of economic democracy.

SAJE is aggrieved by the Project because the Project's violations of the law and negative impacts on economic justice, housing and equitable development as well as by the Project developer's treatment of the existing tenants on the Project Site, hurting tenant's rights. These

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenter incorporates by reference all comments raising issues prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

## **I. BACKGROUND ON THE SUBDIVISION MAP ACT**

The Subdivision Map Act, Government Code section 66410, *et seq.* ("Subdivision Map Act" or "Act") requires local agencies to review and approve **all land subdivisions**. The Act regulates both the process for approving subdivisions and sets substantive requirements for approval of land subdivisions. The Act requires that a local agency deny approval of a land subdivision, referred to as a tentative map or a parcel map, if it makes any of the following findings:

- (a) the proposed map is not consistent with applicable general and specific plans,
- (b) the design or improvements of the proposed subdivision is not consistent with the applicable general and specific plans,
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

Cal. Gov. Code, § 66474(a-f).

The Project violates the Subdivision Map Act since it is inconsistent with both the Southeast Los Angeles Community Plan and the City General Plan.

A. The Project Is Inconsistent with the Southeast Los Angeles Community Plan

1. **The Project Violates Objective 1-4 of the Southeast Los Angeles Community Plan.**

The Southeast Los Angeles Community Plan (or “SELA”) recognizes that “[t]he historic resources are a valuable asset to this [Southeast Los Angeles] Community.” SELA, pg. I-7. To that end, the Southeast Los Angeles Community Plan requires that City “retain the currently available inventory of such [historical] buildings.” *Id.*

Objective 1-4 of the Southeast Los Angeles Community Plan requires that the City “preserve and enhance neighborhoods with a distinctive and significant historical character.” SELA, pg. III-4. As part of carrying out Objective 1-4, the Southeast Los Angeles Community Plan Policy 1-4.1 requires that “[i]n areas where there are large concentrations of structures with historic character, the Plan maintains residential plan categories and proposes no zone changes or Plan amendments in order to preserve and protect these areas.” *Id.*

The DEIR recognizes that the Project Site lies within the Flower Drive Historic District and that it is considered a historical resource under CEQA. DEIR, pgs. IV.C-13, IV.C-20. The Project site is located within Landmark Number CA-5000, Flower Drive Historic District with California Historical Resource Codes 1 (Properties listed in the National Register (NR) or California Register (CR)) and 2 (Properties determined eligible for listing in the National Register or California Register). The site was listed on both July 25, 2008 and November 7, 2008. See Staff Report, October 23, 2008, DEIR, Appendix C, Pages 156-158. The Project proposes to remove seven homes which are contributors to the Flower Drive Historic District.

Despite the historically significant designation of the Flower Drive Historic District and the applicable objectives and policies (of the Southeast Los Angeles Community Plan) to such historical resources, the Project propose exactly the opposite, proposing zone changes, vesting zone changes, and a height district change within the Flower Drive Historic District, and proposing as a mitigation measure that the City relocate the seven historically protected buildings be relocated outside the Flower Drive

Historic District, a mitigation measure that in of itself would have its own environmental impacts requiring analysis under CEQA.

Here, the significant impacts to historical resources can be avoided by project redesign. The Project proponent's own consultants, Page and Turnbull, had proposed an alternative where the Project would be redesigned to retain the Flower Drive Historic District ("Page and Turnbull Alternative"). However, this redesigned alternative is not included as a project alternative. Therefore, for the EIR to conclude that the Project's significant impacts to historical resources are unavoidable is incorrect.

## 2. **The Project is Inconsistent with the General Plan**

The General Plan Framework Element Objective 3.4 encourages 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.*

Eight residential buildings are set to be demolished or moved as part of the Project, seven of which are considered historically significant buildings as part of the Flower Drive Historic District. Objective 3.4, while encouraging new developments, underscores the importance of conserving existing neighborhoods such as the Flower Drive Historic District. As such, the Project as proposed is inconsistent with the General Plan.

The General Plan Framework Element Objective 3.17 requires the Project to maintain significant historic and architectural districts while allowing for the development of economically viable uses. The DEIR acknowledges that the Project is inconsistent with Objective 3.17 because it would remove all eight buildings on the Project Site resulting in a significant and unavoidable impact to the historic resource that will ultimately result in the loss of the Flower Drive Historical District.

However, this inconsistency was not unavoidable as the City was aware of but failed to incorporate into the EIR the Page and Turnbull Alternative where the Project would be redesigned to retain the Flower Drive Historic District. Thus, the DEIR's conclusion that the Project's inconsistency with Objective 3.17 is unavoidable is inaccurate.

City Planning's February 14, 2019 Recommendation Report to the City Planning Commission claims that the Project's compliance with technical requirements of the

Los Angeles Municipal Code establishes its compliance with the City's General Plan and other applicable land use ordinances. The City's statement is simply untrue as a matter of law. The Project does not comply with technical requirements for the Project, as it requires a vesting zone and height district change and zoning administrator's determination, both of which are requests to modify or relieve the Project from existing technical requirements.

Regardless, the General Plan, Southeast Los Angeles Community Plan and other applicable land use plans and ordinances are another layer of requirements that operate in addition to the City's technical requirements. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570 ("the propriety of virtually any local decision affecting land use and development depends upon consistency with the application general plan and its elements.") When expert testimony establishes that the Project would result in the loss of the historical significance of the Flower Drive Historical District, essentially the loss of the Historical District itself, in direct violation of the City's General Plan requirement that the City preserve existing historical districts, the City is required to either amend out the requirements of the General Plan or otherwise deny the Project.

City Planning's February 14, 2019 Recommendation Report to the City Planning Commission falsely claims that the Project is a "condominium, community apartment or stock cooperative project" and therefore not subject to Section 66474 of the Subdivision Map Act's requirements that the "design or improvements" for a Map be consistent with applicable general and specific plans, not cause substantial environmental damage, injure fish or wildlife or cause serious public health problems. The Project is obviously not a condominium, community apartment or stock cooperative project, as the Project involves hotel, student housing, mixed income housing and commercial uses. The Project is subject to Subdivision Map Act requirements for its design and improvements.

**3. The Project Exceeds the Height Limitation for Structures Within Pedestrian Oriented Districts Under the SELA Community Plan.**

The Urban Design Guidelines of the Southeast Los Angeles Community Plan limits structures within pedestrian oriented districts that are along main commercial streets to no greater than 30 feet in height. SELA at V-4; III-9 (noting that the SELA identifies MLK Jr. Boulevard / Western as well as Vermont / Jefferson / Exposition as



Pedestrian Oriented Areas). The Project proposes a maximum roof height of approximately 78 feet. As the Project's EIR itself admits, the Project is within a pedestrian oriented district (DEIR at IV-G-32, IV.G-66) and directly faces one of the biggest commercial streets within the City of Los Angeles, Figueroa Street. The Project is planned to be far in excess of 30 feet in height and clearly violates the height limitations imposed by the SELA Community Plan.

City Planning's February 14, 2019 Recommendation Report to the City Planning Commission falsely claims that the Project does not fall within a pedestrian oriented district. As the Draft Environmental Impact Report for the Project notes, the Project would satisfy Policy 2-4.7 of the Southeast Los Angeles Community Plan, which requires that "the first floor street frontage of structures, including mixed use projects and parking structures **located in Pedestrian Oriented District**, incorporate commercial uses." DEIR at IV.G-66. The Project must be denied.

**4. The Project is Subject to and Fail to Comply With the North University Park Exposition Park – West Adams NSO District Development Regulations**

The DEIR recognizes that the Project lies within the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay (NSO) District. However, the DEIR claims that the Project is exempt from the development regulations of the Overlay District due to its frontage along Figueroa Street. (DEIR, pg. IV.G-14.)

The City is wrong. The 8 existing homes/buildings on the Project site, which are also part of the Flower Drive Historic District, are fronting Flower Drive, not Figueroa Street. The Project's DEIR itself admits that the Project Site fronts both Figueroa and Flower Drive. The City's own staff report for December 5, 2018 public hearing notes that the Project Site fronts multiple streets, stating:

The Fig Project (Project) is located along the Figueroa Corridor in the Southeast Los Angeles Community Plan area, with approximate frontages of 725 feet along Figueroa, 280 feet along 39<sup>th</sup> Street to the north, and 665 feet along Flower Drive to the east where it abuts the 110 Harbor Freeway

(Staff Report at 1.)

The Project's EIR as well as the Staff Report for the December 5, 2018 public hearing and its proposed findings for this Project concerning its vesting tentative tract map

should have but failed to analyze the application of the development regulations contained in Ordinance No. 180,218 and 180,219 as it applies to the Project and for good reason. The Project violates the developments regulations set out for the North University Park-Exposition Park-West Adams NSO District

Pursuant to Section 2 of Ordinance No. 180,218 establishing North University Park-Exposition Park-West Adams NSO District:

The Neighborhood Stabilization Supplemental Use District is intended to:

- (A) promote well planned housing to meet the needs of a college/university student housing, and the needs of the community.
- (B) address impacts of multiple-habitable room projects which may be incompatible with surrounding development.
- (C) encourage well-planned neighborhoods with adequate parking and to individually review proposed large multiple-habitable room projects.
- (D) assure that the project provides adequate on-site parking.
- (E) address a concentration of campus-serving housing in the vicinity.

More specifically, *inter alia*, the EIR fails to analyze how the Project promotes well planned housing to meet the needs of college student housing and the needs of the community, address how this Project, which is a multiple-habitable room project, might be incompatible with surrounding development.

Moreover, projects subject to the NSO are required to obtain a conditional use approval pursuant to LAMC § 12.24 W52, requiring that the Project provide additional on-site parking, find that there is no detrimental concentration of large scale, campus serving housing within a one-thousand-foot radius of the Project, and that it complies with all applicable Historic Preservation Overlay Zones or Specific Plans. (LAMC § 13.12(C).) The Project's Vesting Tentative Tract map must be denied for failure to comply with the City's NSO requirements.

## **5. The Project Fails to Conform to the Citywide Design Guidelines**

The Project, which is located in the Flower Drive Historic District, fails to conform to the Citywide Design Guidelines.

The Citywide Design Guidelines provide that a project must (1) preserve original building materials and architectural features, repair deteriorated materials or features in place, if feasible and (2) design building additions on historic buildings to be compatible with the massing, size, scale, and architectural features of an historic structure or site, while clearly reflecting the modern origin of the addition. Citywide Design Guidelines, Pgs. 23-24.

The Project proposes to demolish at least seven residences which are located in the Flower Drive Historic District. Since the Citywide Design Guidelines pertaining to historic properties do not contemplate demolition and promote the fullest preservation of such properties, the Project fails to conform to the relevant sections of the Citywide Design Guidelines.

B. The Project's Vesting Tentative Tract Map Fails to Comply with Subdivision Map Act and Los Angeles Municipal Code Requirements for Tentative Maps

Section 17.06 of the Los Angeles Municipal Code (“**LAMC**”) requires that tentative tract maps show “[t]he approximate location of all buildings or structures on the property involved which are to be retained, notations concerning all buildings which are to be removed, and approximate locations of all existing wells” as well as “[a] A statement regarding existing and proposed zoning.”

The Project's Vesting Tentative Tract map fails to show which of the buildings or structures on the property are proposed to be removed or retained. In addition, the Project's Vesting Tentative Tract map conflicts with the project as described in its pending application for a vesting zone and height district change, conditional use permit, master conditional use permit, determination and site plan review, which describes the project as resulting in a maximum floor area ratio of 3.25:1 rather than the tract map's description of requiring a maximum floor area ratio of 3.3:1. Finally, the Project's Vesting Tentative Tract map fails to adequately describe the existing zoning on the Project Site, omitting the fact that a portion of the Project Site is zoned R4-1L.

City Planning's February 14, 2019 Recommendation Report to the City Planning Commission admits to these errors but claims that these omissions are not materially significant information. The above information, which includes the Project's floor area

ratio, zoning, etc are obviously material information requiring denial of the tentative tract map.

As the tentative tract map has numerous technical deficiencies and fails to provide materially significant information that is legally required to be provided to the Advisory Agency and the public as part of the proceedings around the appeal, the City should grant the appeal and remand the Project back to the advisory agency.

C. The Project's Vesting Tentative Tract Map Fails to Comply with the Subdivision Map Act's Requirement that the Proposed Design or Improvements to a Subdivision not "Cause Substantial Environmental Damage"

The Subdivision Map Act requires that an agency deny a proposed map if "the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage." (Cal. Government Code § 66474(e).) Courts have interpreted this language to conclude that the Subdivision Map Act "requires disapproval of a project upon finding that it is likely to cause substantial environmental damage." (*Topanga Ass'n for a Scenic Cmty. v. County of L.A.* (1989) 214 Cal. App. 3d 1348, 1356.) "Substantial environmental damage" is the equivalent of finding that a Project would have a "significant effect on the environment" under CEQA. (*Id.* at 1356 fn. 3.)

Here, the City is required to deny the Project's proposed map since the Project will have significant and unavoidable noise and traffic / transportation impacts as well as on historical resources. (DEIR at I-22 – I-23.)

## II. **THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations ("CCR" or "CEQA Guidelines") § 15002(a)(1). "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR 'protects not only the environment but also informed self-government.' [Citation.]" *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological

points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.”

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80

(quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. Significant New Information Introduced by The City Requires Revision and Recirculation of the Project’s Environmental Impact Report

CEQA requires that a Project’s environmental documents be revised and recirculated to the public when significant new information is added to an environmental impact report prior to certification. Section 21092.1 of the California Public Resources Code provides that:

When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report.

Significant new information requiring revision and recirculation of an EIR can include but is not limited to “changes in the project or environmental setting as well as additional data or information” such as a “new significant environmental impact or new mitigation measure.” (*See also* 14 Cal. Code of Regulations § 15088.5.) Revisions to environmental analysis in an environmental impact report requires recirculation of the environmental impact report to give the public a meaningful opportunity to comment. (*Gray v. Cty. of Madera* (2008) 167 Cal. App. 4th 1099, 1121 – 22.)

Here, the City’s November 2018 Errata to the Environmental Impact Report (“Errata”) made changes to the described project setting, and added new mitigation measures, significant changes that require revision and recirculation of the Project’s environmental impact report to give the public a proper opportunity to comment upon and review the Project

First, the Errata unveiled significant changes to the described setting of the Project, revealing that part of the Project Site is currently zoned R4-1L rather than C2-1L.

The portion of the Project zoned R4-1L cannot be utilized for us as a hotel, restaurant space, conference center or retail as currently proposed by the Project without being rezoned for commercial uses. (*See* LAMC §§ 12.11, 12.10, 12.09, 12.08, 12.03.)

Furthermore, the Project’s EIR does not analyze the Project for consistency with the

South Los Angeles Community Plan. Additional analysis, revision and recirculation is required considering the serious deficiencies exposed in the Errata.

Moreover, the Project description analyzed in the EIR has been modified as a result of errors in the EIR , which described the maximum roof height of the hotel, student housing, and mixed income housing components as being 78 feet, when they are in fact 83 feet (Errata at p. 5), and described the Project’s proposed parking structure as an eight story rather than seven story parking structure.

Finally, the modified Project Design Feature J-1, which is included in the Project’s Mitigation Monitoring and Reporting Plan, adds additional mitigation measures to mitigate the Project’s impact on Dr. Theodore T. Alexander Science Center School, amounting to a new mitigation measure requiring revision and recirculation of the EIR.

C. The EIR Fails to Adequately Analyze or Address Displacement Impacts

1. **The EIR Fails to Properly Analyze and Mitigate for the Project’s Potential Displacement of Affordable Housing and Area Residents**

CEQA is clear that not only direct impacts of a proposed project should be analyzed in an EIR, but also those indirect impacts which are reasonably foreseeable outcomes of the project. “Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects.” (Guidelines, § 15126.6.) This includes the economic effects of a project that will foreseeably lead to physical changes in the environment. “When there is evidence . . . that economic and social effects caused by a project . . . could result in a reasonably foreseeable indirect environmental impact, such as urban decay or deterioration, then the CEQA lead agency is obligated to assess this indirect environmental impact.” (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1182.)

CEQA provides two distinct questions for determining displacement impacts; the first addresses displacement of housing and the second addresses displacement of people. (Guidelines, Appendix G, XIII(c).) Analysis of the Project’s potential for displacement of affordable housing must include more than a simple conclusion that no subsidized housing will be demolished by approval of the Project. The applicable measure for these impacts is whether displacement of area residents, regardless of whether it is an

intended feature of the Project, would result from the Project's approval. Accordingly, the City should analyze not only whether the proposed amendments will directly cause the demolition of housing, but also what effect the Project may have on the affordability of existing housing. This is key to determining whether the Project will cause the need for construction of replacement housing elsewhere.

## **2. Displacement of Low-Income Residents Foreseeably Leads to Impacts on Air Quality and Greenhouse Gas Emissions**

The EIR's failure to analyze emissions resulting from the Project's displacement impacts violates CEQA's mandate to evaluate a project's physical impacts. If a project has an economic or social effect which in turn causes a physical change, such as an impact on air quality or greenhouse gas emissions, that physical change may be a significant environmental impact. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1205 [finding that construction of shopping centers would lead to the closure of smaller businesses in the area, which could lead to physical urban decay, a significant environmental impact]; see also Guidelines, § 15064, subd. (e); *El Dorado Union High Sch. Dist. v. City of Placerville* (1983) 144 Cal.App.3d 123, 132 (1983) [finding that potential for overcrowding in school could lead to construction of new facilities elsewhere].) Low-income persons make up the vast majority of public transit users; studies show that when low-income residents are supplanted by wealthier residents in Transit-Oriented Development (TOD) areas, vehicle-miles-driven increase. (See, e.g., California Housing Partnership Corporation, *Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy* (2014).) Thus, displacement of low-income residents in areas near public transit hubs foreseeably leads to degraded air quality and increased GHG emissions, a physical impact of the proposed amendments, which must be analyzed and addressed.

In addition, the physical change resulting from a project may rise to a significant level if that change has substantial adverse economic or social effects on people.

(Guidelines, § 15064, subd. (e).) "Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant." (*Id.*, § 15131, subd. (b).)



Here, the social and economic effects stemming from the physical displacement of low-income residents caused by the proposed Project must be assessed. Residents' dislocation and the associated negative health outcomes and social disruption could render the displacement effects significant. By failing to conduct a displacement analysis, the FEIR also impermissibly ignored the potential impacts of displacement on air quality and greenhouse gas emissions. Studies are readily available that evaluate this effect, including a 2010 study conducted by the Dukakis Center for Urban and Regional Policy at Northeastern University, and a 2015 study conducted by the Alliance for Community Transit-Los Angeles. (Stephanie Pollack, Barry Bluestone & Chase Billingham, Dukakis Center for Urban and Regional Policy at Northeastern University, *Maintaining Diversity In America's Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change* (2010); Alliance for Community Transit-Los Angeles, *Transit for All: Achieving Equity in Transit-Oriented Development*(2015); see also California Housing Partnership Corporation, *The Affordable Housing and Sustainable Communities Program: Collaborate Investments to Reduce Greenhouse Gases and Strengthen Disadvantaged Communities*.)

The City must prepare an EIR that analyzes the impacts of displacement resulting from the proposed Project by conducting a Health Impact Assessment to understand the true effects of the Project on displacement of low-income residents, greenhouse gases, air quality and vehicle-miles-driven. In addition, the EIR must provide mitigation measures to reduce such impacts to a less than significant level.

D. The EIR Fails to Analyze Traffic / Transportation and Stormwater Impacts

As noted by other commenters, the Project fails to adequately analyze or mitigate for impacts to traffic / transportation by failing to disclose 27 related projects in the Project's vicinity that cumulatively will likely have significant transportation impacts (FEIR at II-12 – II-18). In addition, the Project fails to analyze or provide mitigation for potential stormwater impacts, merely noting that the Project will be required to comply with existing stormwater runoff laws. (II-19) Compliance with existing environmental laws is not substantial evidence that a Project will not have significant environmental impacts and does not meet CEQA's requirements that a Project provide substantial environmental information to the public about the potential environmental impacts of a Project.

### III. CONCLUSION

For the aforementioned reasons, Commenter requests that the City continue the hearing, modify its findings for the Project or deny the Project and revise and recirculate the environmental impact report.

Sincerely,



---

Mitchell M. Tsai  
Attorneys for SAJE



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: MAR 26 2019

Case No. **CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR**

Council District: 9 – Price

CEQA: ENV-2016-1892-EIR (SCH. 2016071049)

Plan Area: South Los Angeles (Southeast Los Angeles)

Related Case: VTT-74193-1A

**Project Site:** 3900 South Figueroa Street  
3900-3972 South Figueroa Street  
3901-3969 South Flower Drive  
450 West 39<sup>th</sup> Street

**Applicant:** Ventus Group  
Representative: William F. Delvac, Armbruster Goldsmith & Delvac, LLP

At its meeting of **February 14, 2019**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Proposed seven-story mixed-use development comprised of Hotel, Student Housing, and Mixed-Income Housing components, within three separate buildings with a maximum building height of 83 feet. The Hotel Component would include up to 298 guest rooms, 15,335 square feet of retail and restaurant uses, 13,553 square feet of shared guest and public amenities, and 7,203 square feet of public meeting spaces, and includes a basement level. The Student Housing Component would include up to 222 student housing units and 32,991 square feet of retail and restaurant uses. The Mixed-Income Housing Component would include up to 186 dwelling units (77 dwelling units reserved for Low Income households and 5 dwelling units reserved for Very Low Income households), 20,364 square feet of office, and 7,000 square feet of retail and restaurant uses. All three components would be served by a central eight-story above-ground parking structure, containing one subterranean parking level and a rooftop amenity level, with a maximum building height of up to 90 feet. The Project results in up to 620,687 square feet of floor area, and a floor area ratio (FAR) of up to 3.25:1, including a commercial FAR of 0.50:1. The Project includes the removal of eight multi-family residential buildings within the Flower Drive Historic District, the removal of surface parking areas, and the export of approximately 60,800 cubic yards of soil.

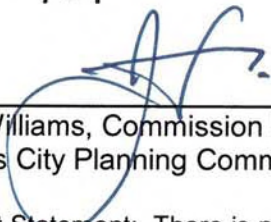
1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the Fig Project EIR, No. ENV-2016-1892-EIR, SCH No. 2016071049, certified on February 14, 2019; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration or addendum is required for approval of the Project;
2. **Approved and recommended** that the City Council **adopt**, pursuant to Section 12.32 of the Los Angeles Municipal Code (LAMC) a Vesting Zone Change and Height District Change from C2-1L and R4-1L to (T)(Q)C2-2D;
3. **Approved**, pursuant to LAMC Section 12.24 W.24, a Conditional Use Permit for a hotel use in the C2 Zone within 500-feet of an R Zone;

4. **Approved**, pursuant to LAMC Section 12.24 W.1, a Master Conditional Use Permit for the sale and/or dispensing of a full line of alcoholic beverages for on-site consumption at a maximum of six establishments, including hotel and restaurant uses;
5. **Approved**, pursuant to LAMC Section 12.24 X.22, a Zoning Administrator's Determination to allow building heights of up to 90-feet within 100 to 199-feet of the OS Zone;
6. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates over 50,000 square- feet of non-residential floor area and over 50 dwelling units;
7. **Adopted** the attached Conditions of Approval as modified by the Commission including staff's Technical Modification dated February 12, 2019; and
8. **Adopted** the attached Findings.

The vote proceeded as follows:

**Moved:** Ambroz  
**Seconded:** Perlman  
**Ayes:** Choe, Khorsand, Millman, Mitchell, Padilla-Campos  
**Nays:** Mack  
**Absent:** Dake Wilson

**Vote:** 7 – 1

  
 \_\_\_\_\_  
 James K. Williams, Commission Executive Assistant II  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective/Appeals Date:**

The decision of the City Planning Commission, pertaining to the Zone and Height District Changes is not appealable. All remaining actions by the Commission are appealable to the City Council within 20 days of the mailing date of this letter. The filing of an appeal stays proceedings in the matter until the appellate body makes a decision. An appeal not filed within the 20-day period shall not be considered by the City Council and the decision of the Planning Commission will become final and effective upon the close of the 20-day appeal period. Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE:** **APR 15 2019**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

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

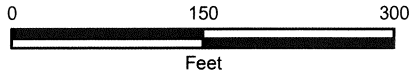
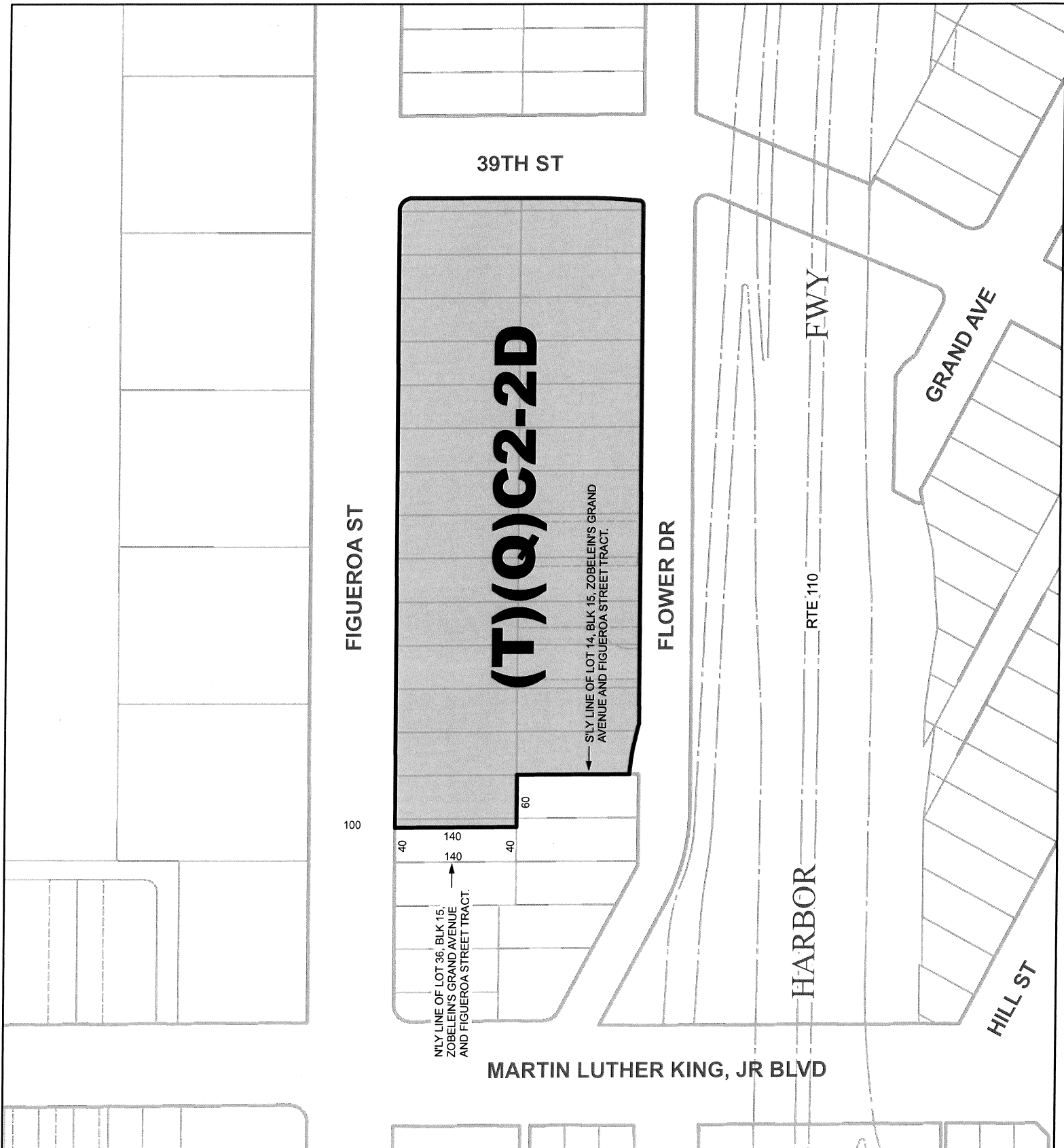
Attachments: Zone Change Ordinance, "T"-Conditions, Modified Conditions of Approval, Findings  
 c: Heather Bleemers, Senior City Planner  
 Milena Zasadzien, City Planner

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:

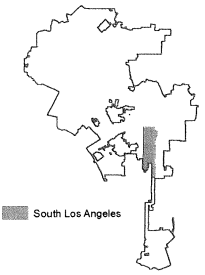


CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPP

AA/af

030519

City of Los Angeles



## **(Q) QUALIFIED CONDITIONS OF APPROVAL**

As modified by the City Planning Commission on February 14, 2019

Pursuant to Section 12.32-G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

### **A. Development Conditions:**

1. **Site Development.** The use and development of the property shall be in substantial conformance with the Plot Plan, Site Plan, Floor Plans, Unit Plans, Building Elevations, Courtyard Plans, and Landscape Plans (Exhibit A, dated February 14, 2019) of 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. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions. The project shall be constructed in a manner consistent with the following project description:
  - a. Limit the proposed development to up to 298 guest rooms (including 160 short-term and 138 long-term stay rooms), up to 222 student housing units, up to 186 dwelling units (including 82 units reserved for Very Low and Low Income households), up to 55,326 square feet of retail/restaurant uses, up to 20,364 square feet of office, and up to 7,203 square feet of meeting rooms, totaling up to 620,687 square feet of floor area.
2. **Affordable Housing.** In accordance with Footnote 14 of the Southeast Los Angeles Community Plan (2000), a minimum of 77 units shall be reserved as Low Income Restricted Affordable Units, and a minimum of 5 units shall be reserved as Very Low Income Restricted Affordable Units, for a total of 82 restricted affordable units, or 20 percent of the total dwelling units. These units shall be restricted to households earning no more than 80 percent of the Area Median Income for Low Income Restricted Affordable Units and no more than 50 percent of the Area Median Income for Very Low Income Restricted Affordable Units, as defined by Section 50079.5 of the California Health and Safety Code, and as determined by the Los Angeles Housing and Community Investment Department (HCIDLA).
3. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 77 units available to Low Income Households and 5 units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA.
4. **Landscaped Plaza.** A minimum 7,900 square-foot landscaped plaza shall be provided adjacent to Figueroa Street, as shown in Exhibit A - Project Plans, dated February 14, 2019.
5. **Development Services Center.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center for the project, the Department of City Planning's Major Projects Section shall confirm, via signature, that the project's building

plans substantially conform to the conceptual plans stamped as Exhibit "A", as approved by the City Planning Commission.

**Note to Development Services Center:** The plans presented to, and approved by, the City Planning Commission (CPC) included specific architectural details that were significant to the approval of the project. Plans submitted at plan check for condition clearance shall include a signature and date from Major Projects Section planning staff to ensure plans are consistent with those presented at CPC.

6. **Neighborhood Stabilization Ordinance (Ordinance No. 180,218).** The site is exempt from the development regulations of the Neighborhood Stabilization Ordinance due to its frontage along Figueroa Street.
7. **Community Redevelopment Agency Plan.** Prior to the issuance of a building permit, suitable arrangements shall be made for clearance with the CRA/LA for the Exposition / University Park Redevelopment Project area.
8. **Rent Stabilization Ordinance.**
  - a. The project shall comply with any tenant relocation requirements established by HCIDLA. Enforcement shall be the responsibility of HCIDLA.
  - b. The applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with Section 47.07 of the Los Angeles Municipal Code relating to demolition. The covenant and agreement shall be executed and recorded within 10 days after the expiration of the appeal period (and final action thereon) and a copy provided to each eligible tenant within five days of recordation of the covenant and agreement.
  - c. Within 10 days after the time to appeal has expired, the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to the affirmative duty to abide by all provisions of the Rental Stabilization Ordinance.



## D LIMITATIONS

Pursuant to Section 12.32-G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the D limitation.

### A. Development Limitations:

1. **Building Height.** Building height shall be limited to 90 feet.
2. **Floor Area Ratio.** Floor area over the entire site, as identified in the Ordinance Map, shall not exceed 3.25 times the buildable area of the site.
3. **Community Plan Footnote.** The applicable floor area ratio limitations of Footnote 14 of the Southeast Los Angeles Community Plan Land Use Map, in effect as of September 8, 2016, shall apply to the site:
  - a. 100% commercial projects shall be limited to Height District 1 and a 1.5:1 FAR.
  - b. Mixed-use (residential/commercial) developments shall not exceed a maximum total floor area ratio (FAR) of 3:1. An additional FAR of 1.5:1, for a maximum total FAR of 4.5:1, may be granted for mixed-use projects that 1) set aside 20% of the dwelling units developed in the increment from 3:1 to 4.5:1 FAR for affordable housing, or 2) for projects reserved for and designed primarily to house students and/or students and their families. The affordable housing requirement will be satisfied by units that are affordable to households that earn 30%-120% of Area Median Income (AMI), defined as very low, low and moderate income households in Sections 50079.5, 50093, 50105 and 50106 of the California Health and Safety Code. Commercial uses in such mixed-use projects shall comprise no less than 0.5 and no more than 0.9 FAR.
  - c. 100% residential development shall not be permitted.

## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32-G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

### **1. Responsibilities/Guarantees.**

- a. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
- b. Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

### **2. Bureau of Engineering.**

Dedications Required:

#### **39<sup>th</sup> Street**

- a. That a five-foot wide strip of land be dedicated along 39<sup>th</sup> Street to complete a 15-foot wide sidewalk area in accordance with Avenue I of the LA Mobility Plan including a 20-foot radius property line return or 15-foot by 15-foot cut corners at the intersections with Figueroa Street and with Flower Drive.

#### **Flower Drive**

- b. That a variable width strip of land in the vicinity of lots 8, 9 and 10 of Block 15 of Zobelein's Grand Avenue and Figueroa Street Tract be dedicated along portion of the Flower Drive to complete a 25-foot half public street right-of-way.
- c. That an approximately 45-foot wide and variable width strip of land be dedicated in the vicinity of lots 12, 13 and 14 of Block 15 of Zobelein's Grand Avenue and Figueroa Street Tract for the southerly extension of the Flower Drive within the tract property ownership in accordance with Local Limited Standards on an alignment satisfactory to the City Engineer.
- d. That an approximately 45-foot wide off-site public right-of-way be dedicated over lots 15, 16, 17 and 18 Block 15 of Zobelein's Grand Avenue and Figueroa Street Tract for the southerly extension of the Flower Drive to join the existing Flower Drive improvements

before the intersection with Martin Luther King Jr. Boulevard all in an alignment satisfactory to the City Engineer. Above off-site public street dedication shall be completed by a separate instrument prior to the recordation of the final map.

- e. That in the event the off-site dedications for the southerly extension of Flower Drive to Martin Luther King Jr. Boulevard cannot be obtained prior to the recordation of the final map, then a revised map submitted for Advisory Agency approval showing revised tract and street layout.
3. Improvements Required: That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
- a. **Flower Drive.** Improve Flower Drive adjoining the subdivision by the construction of the following:
    - i. A concrete curb, a concrete gutter, and a five-foot wide concrete sidewalk and landscaping of the parkway or a 10-foot wide sidewalk with tree wells.
    - ii. Suitable surfacing to join the existing pavement and to complete a 15-foot half roadway, if necessary.
    - iii. Any necessary removal and reconstruction of existing improvements.
    - iv. The necessary transitions to join the existing improvement.
  - b. **Flower Drive.** Improve the southerly extension of Flower Drive on-site and off-site by the construction of the following:
    - i. Concrete curbs, concrete gutters, and a 5-foot wide concrete sidewalk along easterly side and 10-foot wide sidewalk along the westerly side.
    - ii. Suitable surfacing to join the existing pavement and to complete a 30-foot wide total roadway.
    - iii. Any necessary removal and reconstruction of existing improvements.
    - iv. The necessary transitions to join the existing improvement.
    - v. Reconstruct any off-site driveway if necessary.
  - c. **Figueroa Street.** Improve Figueroa Street adjoining the subdivision by the construction of a new full-width concrete sidewalk with tree wells if necessary, including any necessary removal and reconstruction of existing improvements.
  - d. **39<sup>th</sup> Street.** Improve 39th Street adjoining the subdivision by the removal and reconstruction of the existing sidewalk to provide new full width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvement.
  - e. **Corner Cuts.** Improve all newly dedicated corner cuts with concrete sidewalks. In addition, provide a 25-foot radius curb return at the corner of Figueroa Street and 39th Street satisfactory to the City Engineer.
  - f. **Curb Ramps.** Construct 8-off-site curb ramps in 39th Street being relinquished to the

City from Caltrans under CF 17-1002 satisfactory to the City Engineer.

4. That the City Department of Transportation in a letter to City Engineer after approval by Planning department shall determine that the excess public street merger along Flower Drive is not necessary for future public street and has no objection to the merger.
5. That Department of the City Planning in a letter to the City Engineer shall also determine that the proposed merger area along Flower Drive is consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan.
6. In the event City Department of Transportation and Department of Planning in letters to City Engineer (after the approval of the Advisory Agency) state that they have no objections to the street area merger then that portion of the Flower Drive and as shown on the revised tentative map stamp dated August 30, 2018, then any excess public right-of-way beyond 25-foot wide measured from the Center line of Flower Drive under City jurisdiction be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to the street area being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
  - b. That satisfactory arrangements be made with all utility agencies maintaining existing facilities within the area being merged.
7. That suitable evidence be submitted prior to the recordation of the final map showing that the relinquishment of the existing cul-de-sac area owned by the State of California and adjoining the tract under Council File No.17-1002 to the City of Los Angeles be completed in a manner satisfactory to the City Engineer. If this relinquishment is not granted to the City as a public right-of-way then the subdivider shall purchase the property satisfactory to the City Engineer prior to the recordation of the final map. Above relinquishment shall be completed prior to the recordation of the final map.
8. In the event that the existing cul-de-sac owned by the State of California has been relinquished to the City of Los Angeles as a public right-of-way under Council File No.17-1002 then this right-of-way be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
  - b. That satisfactory arrangements be made with all utility agencies maintaining existing facilities within the area being merged.
9. That the subdivider make a request to the central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
10. That all existing public easements including State of California easements if applicable shall be shown on the final map.

11. That any surcharge fee in conjunction with the street merger requests be paid.

**12. Department of Transportation.**

Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:

- a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveway is serving less than 100 parking spaces. A minimum of 40-foot reservoir space be provided between any security gates(s) and the property line when driveways serve more than 100 parking spaces. A minimum of 60-foot reservoir space be provided between any security gates(s) and the property line when driveways serves more than 300 parking spaces, or to the satisfaction of the Department of Transportation.
- b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
- c. Nonresidential Parking will be provided in a central above ground parking garage on Flower Drive. Vehicle access to and from the hotel will be provided by a porte-cochere on 39th Street and a driveway on Flower Drive to the parking garage.
- d. Vehicle access for the housing component will be via a single driveway on Figueroa Street with all movements except for left turn out, and two driveways on Flower Drive. A loading area will be off Flower Drive.
- e. The Project shall comply with mitigation measures described in the traffic assessment letter (DOT Case No. CEN 18-47228 and CEN 16-44396) dated June 17, 2018 to the attention of Luciralia Ibarra, Senior City Planner Department of City Planning.
- f. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street, Room 550. For an appointment, call (213) 482-7024.
- g. That a fee in the amount of \$205 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

**13. Department of Water and Power.**

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering.

- a. Prior to receiving water service, the developer must arrange for the Department to install fire hydrants.
- b. Conditions under which water service will be rendered: Pressure regulators will be required in accordance with Los Angeles City Plumbing Code for the following lot(s)

where pressures exceed 80 psi at the building pad elevation: Min 71 psi, Max: 89 psi.

- c. Existing water mains are located in or adjacent to this tract as follows:
  - i. 16-inch water main in Figueroa Street
  - ii. 8-inch water main in 39th Street
  - iii. 6" water main in Flower Dr. (N)
- d. Los Angeles Fire Department Requirements: New fire hydrants and/or updates to existing fire hydrants are required in accordance with the Los Angeles Fire Code.
  - i. Install one 2½-inch x 4-inch D.F.H. on the east side of Figueroa Street, approximately 300 feet SS 39th Street.
  - ii. Install one 2½-inch x 4-inch D.F.H. on the east side of Figueroa Street. Approximately 590 feet SS 39th Street.

#### 14. Bureau of Street Lighting.

- a. Install street lighting facilities to serve the project as required by the Bureau of Street Lighting. Improvement Condition:

If street widening per BOE improvement conditions, relocate and upgrade street lights:

- nine (9) on Figueroa Street
- three (3) on 39<sup>th</sup> Street
- six (6) on Flower Drive.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

15. **Bureau of Street Services, Urban Forestry Division.** Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards and the Los Angeles Sports and Entertainment District Streetscape Plan, as applicable.

Replacement by a minimum of 24-inch box trees in the parkway and on the site of to be removed, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Advisory Agency. **Note:** Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

16. **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 by the property owner in the County Recorder's Office. The agreement shall run with the land and

shall be binding on any subsequent owners, heirs or assigns. Further, 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 must be given to the City Planning Department for attachment to the subject file.

# CONDITIONS OF APPROVAL

As modified by the City Planning Commission on February 14, 2019

## A. Entitlement Conditions –Conditional Use for Hotel.

1. **Grant.** Hotel uses (consisting of both short-term and extended-stay guest rooms) shall be permitted within 500 feet of the R zone.

## B. Entitlement Conditions – Master Conditional Use for Alcohol Sales.

2. **Grant.** Approved herein is a Master Conditional Use Permit to allow for the service of a full line of alcoholic beverages for on-site consumption at a maximum of six establishments within hotel and restaurant spaces, including outdoor dining areas at the project site.
3. **Master Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Master Plan Approval (MPA) determination pursuant to Section 12.24-M of the Los Angeles Municipal Code, or as otherwise provided for in the LAMC for on-site alcohol sales in conjunction with the operation of restaurants, in order to implement and utilize the Master Conditional Use authorization granted. The purpose of the Master Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises subject to analysis of the venue's individual mode and character of operations including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. These conditions may include additional conditions not included in the Master Conditional Use Conditions of Approval. A Plan Approval without a hearing may be granted by the Chief Zoning Administrator if the operator agrees to the Conditional Use Permit Conditions.
4. **Employee Training.** Within six months of the effective date of the any subsequent plan approvals, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized training for Alcohol Retailers" (STAR). 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 Zoning Administrator as evidence of compliance. In the event there is no change in the licensee, within one year of such change, this training program shall be required for all new staff.
5. **Additional Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Department of City Planning to impose additional corrective conditions, if, it is determined by the Department of City Planning that such conditions are proven necessary for the protection of person in the neighborhood or occupants of adjacent property.
6. **Security.** The operator shall install and maintain surveillance cameras in all areas of the restaurant premises, including any outdoor dining area and a 30-day video library that covers all common areas of such business, including all high-risk areas and entrances or exits. The tapes shall be made available to the Police Department upon request.
7. **Lease Agreements.** All establishments applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all vendors of alcoholic



beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.

8. **Building Plans.** A copy of this grant and all Conditions and/or any subsequent appeal of this grant and resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
9. **Ownership/Operator Change.** 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 BESt (Beverage and Entertainment Streamlined Program) 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 BESt (Beverage and Entertainment Streamlined Program) 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.
10. **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.
11. **Covenant and Agreement.** Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the BESt (Beverage and Entertainment Streamlined Program) for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or BESt (Beverage and Entertainment Streamlined Program) for inclusion in the case file.

#### **C. Entitlement Conditions – Determination for Transitional Height**

1. **Building Height.** The development shall be permitted to exceed the transitional height requirements of the Code but building height shall be limited to a maximum height of 90 feet from 100 to within 199 feet of the open space zone of Exposition Park.

#### **D. Entitlement Conditions – Site Plan Review**

1. **Site Development.** The use and development of the property shall be in substantial conformance with the Plot Plan, Site Plan, Floor Plans, Unit Plans, Building Elevations,

Courtyard Plans, and Landscape Plans (Exhibit A, dated February 14, 2019) of 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. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions

2. **Building Setbacks.** The project buildings shall be set back at the ground floor to provide average pedestrian walkway widths of 25 feet along Figueroa Street and 39th Street. The pedestrian walkway width may include the sidewalk width within the public right-of-way.
3. **Landscaped Plaza.** A minimum 7,900 square-foot landscaped plaza shall be provided adjacent to Figueroa Street, as shown in Exhibit A - Project Plans, dated February 14, 2019.
4. **Residential Lobbies.** Residential lobbies shall be provided for each residential building, providing direct ground-floor access into the building from either Figueroa Street or from the main internal drive accessing the parking structure. Direct and unobstructed ground-floor access via a minimum 10-foot wide pedestrian pathway shall be provided from Figueroa Street into each of residential buildings.
5. **Pedestrian Walkways.** All pedestrian walkways shall be clearly demarcated with decorative paving, including at all pedestrian crossings over vehicular drive aisles.
6. **Pedestrian Lighting.** Pedestrian-scaled lighting shall be installed along both sides of main internal drive accessing the parking structure for safety and security.
7. **Parking Structure Design.** The parking structure shall incorporate articulated screening treatments as depicted in the Exhibit A plans.
8. **Rooftop Amenities.** Outdoor rooftop open spaces and amenities shall be buffered from the adjacent freeway by structures, along with additional landscaping.
9. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, Exhibit "A," and shall incorporate any modifications required as a result of this grant.
10. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
  - a. Minimum depth for trees shall be 42 inches.
  - b. Minimum depth for shrubs shall be 30 inches.
  - c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
  - d. Minimum depth for an extensive green roof shall be 3 inches.

The minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:

- a. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
- b. 900 cubic feet for a medium tree (25-40 feet tall at maturity).

- c. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).
11. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
  12. **Lighting.** All outdoor lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes). Areas where hotel, retail, and restaurant uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel.
  13. **Trash Enclosures and Screening.** All tenant trash containers shall be screened from public view and trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof. Public trash receptacles shall be provided throughout the outdoor publically accessible areas of the project.
  14. **Mechanical Equipment.** All exterior mechanical equipment, including heating, ventilation and air conditioning (HVAC) equipment, satellite dishes, and cellular antennas, shall be screened from public view through the use of architectural elements such as parapets.
  15. **Construction Signage.** There shall be no off-site commercial signage on construction fencing during construction.
  16. **Parking/Electric Vehicle Charging Stations.** Vehicular and bicycle parking shall be provided in accordance with the Municipal Code. The project shall encourage carpooling and the use of electric vehicles by providing that at least 20 percent of the total code-required parking spaces, but in no case less than one location, 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 percent EV Ready, five (5) percent of the total Code-required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking area. Otherwise, only raceways and related components are required to be installed at the time of construction. When the application of the 20 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
  17. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

18. **Solar Panels.** Solar panels shall be installed on a minimum of 15 percent of the total square footage of the building rooftops (not including the parking garage) and shall be provided as a part of an operational photovoltaic system to be maintained for the life of the project. The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

19. **Prohibited Signage.** Supergraphic Signs and Off-site Signs shall be prohibited.

## E. Environmental Conditions

1. **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 (including the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, auguring, backfilling, blasting, stripping topsoil or a similar activity), 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) 978-1454.
- 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.

2. **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 Tract Map Modification 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.

3. **Mitigation Monitor (Construction).** 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, the election of which is in the sole discretion of the Applicant), approved by the City of Los Angeles Department of City Planning which approval shall not be reasonably withheld, 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 report to the Enforcement Agency any non-compliance with mitigation measures and project design features within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of written 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.

## **F. Administrative Conditions**

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.

3. **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.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
5. **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.
6. **Building Plans.** Page 1 of the grants 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.
7. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
8. **Indemnification and Reimbursement of Litigation Costs.** The 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 by this condition.

# FINDINGS

## A. GENERAL PLAN / CHARTER FINDINGS.

The proposed zone change and height district change is in substantial conformance with the purposes, intent, and provisions of the General Plan. In addition, the proposed land use ordinance is consistent with and implements policies in the Southeast Los Angeles Community Plan, a component of the Land Use Element of the General Plan:

1. **Framework Element.** The General Plan Framework sets forth a citywide comprehensive long-range growth strategy and defines citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework's Long-Range Diagram identifies the Project Site together with adjacent commercial areas along Figueroa Street, as a Regional Center and as a focal point of regional commerce, identity, and activity. Regional Centers typically contain a diversity of uses, act as transportation hubs, and fall within a range of floor ratios from 1.5:1 to 6:1, characterized by building heights of six to 20 stories.

In addition, the Figueroa Corridor is envisioned as a significantly developed urban environment and seeks to establish a "[m]ixed use center that provide[s] jobs, entertainment, culture, and serve[s] the region" and meets the demand for new housing and employment opportunities, as well as lodging options, in proximity to the University of Southern California campus, downtown Los Angeles, and the regional attractions located in Exposition Park.

The Fig Project involves the construction of an integrated seven-story mixed-use development consisting of 298 hotel guest rooms, 222 student housing units, 186 mixed-income housing units (77 units reserved for Low Income households and 5 units reserved for Very Low Income households), and approximately 96,500 square-feet of commercial uses, including retail establishments, restaurants, hotel amenities, meeting spaces, and office uses. Public and private recreational amenities would be strategically located throughout the site and on the roof deck of the centralized eight-story parking structure, and an approximately 8,000 square-foot central landscaped plaza is featured along Figueroa Street. The project results in up to 620,687 square feet of floor area on an approximately 4.4-acre site.

The Project would be consistent with the uses, density, and development type envisioned by the General Plan Framework. The project site is currently developed with surface parking and eight multi-family residential buildings within the Flower Drive Historic District, with a FAR of 0.6 over the developed portion. The proposed project would be an in-fill development resulting in a FAR of up to 3.25:1, with building heights between seven and eight stories, and comprised of a balanced mix of hotel, retail, restaurant, office, student housing, and residential uses. The project consists of the type of development envisioned by the Framework Element within a Regional Center; namely, "housing with commercial uses . . . in concert with supporting services, recreational uses, open spaces and amenities." The project would intensify the use on the site and would providing a diverse mix of housing and employment to the area, consistent with the Regional Center designation of the site.

The project satisfies the following objectives and policies of the General Plan Framework:

*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.*

*Objective 3.15: Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.*

*Policy 3.15.3: Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy.*

*Objective 3.16: Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.*

Development of the project will also further enable the type of transit-oriented development; shopping, dining, and employment opportunities; and open space at the site as called for by the Framework Element. The project will support Objectives 3.4 and 3.15 and Policy 3.4.1 by providing a high-density mixed-use residential and commercial development within one of Southeast Los Angeles' Regional Center area, with a focus on pedestrian amenities and in close proximity to major thoroughfares. The site is near multiple transit lines, including Metro's Expo and Blue rail lines, as well as multiple bus routes, furthering Framework Element Objective 3.4 and Policy 3.4.1, by accommodating increased residential and commercial development along a major transportation and commercial corridor in a manner that encourages walking, biking, and public transit usage. The project will achieve Objective 3.10 through the addition of hotel and commercial space that will strengthen the economic base and opportunities for new businesses, by providing employment opportunities for the community. The Project's residential uses will also economically support commercial areas of the district. In addition, the Project accommodates Objective 3.16 through its pedestrian-oriented design and streetscape improvements, which include wide sidewalks, street trees, and pedestrian lighting.

Furthermore, the project's retail and restaurant uses and publicly accessible plaza and pedestrian pathways will enhance pedestrian connectivity, and are consistent with Framework Element Policy 3.10.3, which calls for Regional Centers to promote "high-activity areas in appropriate locations that are designed to introduce pedestrian activity." The project also satisfies Framework Element Design and Development Policy 3.10.5, with the provision of pedestrian-oriented open space, outdoor seating, extensive landscaping, high quality hardscape materials, and other amenities that create an active urban gathering space.

**Housing Element.** The project also meets the policies set forth regarding housing in the land use chapter of the Framework Element and the Housing Element.

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

*Objective 1.1-4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.*

The project will further a key Housing Element goal of reducing the City's existing housing shortage, as well as its jobs-housing imbalance, by developing the site with new student housing units, market-rate housing units, and income-restricted housing units together with retail, office, and hotel uses which offer employment opportunities. By locating student housing units at the site, the project is consistent with the City's Community Plan Footnote 14 and the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay District, each of which serve to incentivize the development of student housing along the Figueroa corridor, thereby protecting lower-density single-family neighborhoods from encroachment from new student housing developments. Moreover, the project's 186 mixed-income units (including 82 low and very low income units) provide much needed housing opportunities along a major commercial and transportation corridor. As such, residential development coupled with the proposed commercial uses will enliven and improve the Figueroa Corridor, and by providing new housing proximate to jobs, neighborhood serving retail/restaurant uses, USC's educational opportunities, and Exposition Park's sporting and cultural facilities, the project will encourage walking and bicycle usage, thereby reducing vehicular trips and overall vehicle miles traveled.

**Economic Development.** The project advances numerous goals and policies contained in the Framework Element's Economic Development chapter, including the following:

*Objective 7.2: Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

*Objective 7.6: Maintain a viable retail base in the city to address changing resident and business shopping needs. The Project's balanced mix of land uses includes new student housing units, mixed-income multiple-family residential housing units, hotel guest rooms, and retail, restaurant, office, and hotel-related commercial uses.*

The commercial retail and restaurant uses meet the needs of local residents by providing new shopping and dining options, while the proposed creative office uses create additional employment opportunities for area residents. In addition, the hotel provides new lodging and meeting options for visitors to the Community Plan area as well as employment opportunities, thereby contributing economic benefits to the immediate area and the City as a whole.

- 2. General Plan Land Use Designation.** The subject property is located within the South Los Angeles Community Plan, updated and adopted by the City Council on November 22, 2017. The project, however, was filed as a vesting application under the Southeast Los Angeles Community Plan that was adopted by the City Council in March 2000. The Southeast Los Angeles Community Plan Map designates the property for Community Commercial land uses and allows for corresponding zones of C2, C4, RAS3, RAS4, R3, and R4. Under the Southeast Community Plan, the property is subject to Community Plan Footnote 14, which allows for an increase in FAR for mixed-use projects containing affordable and/or student

housing units. Specifically, Footnote 14 imposes a maximum FAR of 1.5:1 for 100 percent commercial or mixed-use projects and prohibits 100 percent residential projects. However, mixed-use projects may achieve an increased FAR of 3:1, provided that the City approves a corresponding Zone/Height District Change to Height District 2D. Furthermore, an additional FAR of 1.5:1, for a maximum total FAR of 4.5:1, may be granted to mixed-use projects that 1) set aside 20 percent of the dwelling units developed in the increment from 3:1 to 4.5:1 FAR for households making between 30 and 120 percent of Area Median Income, or 2) are reserved for and designed primarily to house students and/or students and their families. Footnote 14 further requires that the commercial uses in such mixed-use projects comprise no less than 0.5:1 and no more than 0.9:1 FAR.

The project includes a request for Zone Change to create a uniform commercial zoning of (T)(Q)C2-2D in accordance with the requirements of Community Plan Footnote 14 regarding FAR incentives for projects including affordable and/or student housing uses. This request would result in land use and zoning consistency, and is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the Southeast Los Angeles Community Plan.

3. **General Plan Text.** The Southeast Los Angeles Community Plan, a part of the Land Use Element of the City's General Plan, states the following objectives and policies that are relevant to the project:

#### Residential

*Objective 1-2: To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.*

*Policy 1-2.1: Locate higher residential densities near commercial centers, light mass transit stations, and major bus routes where public service facilities, utilities, and topography will accommodate this development.*

*Policy 1.2.2: Locate senior citizen housing and mixed income housing, when feasible, near commercial centers and transit and public service facilities.*

*Objective 1-5: To promote and ensure the provision of adequate housing for all persons regardless of income, age, or ethnic background.*

*Policy 1-5.1: Promote greater individual choice in type, quality, price, and location of housing.*

The project substantially conforms with the purpose, intent and provisions of the Community Plan. The proposed project will meet the above objectives and policies by providing a significant number of new residential dwelling units along the busy Figueroa corridor, in close proximity to existing transit infrastructure, and provides local access to services and amenities, as well as regional access via the adjacent 110 Freeway and nearby 10 Freeway. In addition, the project includes a significant amount of neighborhood-serving retail and restaurant uses, which can be utilized by project residents and guests, thereby providing even greater access to dining and shopping options, and correspondingly reducing vehicle trips. Moreover, the project includes an office component, facilitating potential employment opportunities for residents of the project, as well as residents of the larger Community Plan area.

Moreover, the requested zone and height district change is consistent with the intent and purposes of Footnote 14 of the Community Plan, which was adopted by the City to facilitate increases in FAR for mixed-use projects along this portion of Figueroa that contain student housing or affordable units, and to direct such increased development patterns away from stable, low density residential neighborhoods in the Community Plan area. Footnote 14 specifically provides that a mixed-use project seeking to increase its FAR above 1.5:1 may seek a zone and height district change to Height District 2D and may achieve a maximum FAR of up to 4.5:1 through the inclusion of student housing units or affordable housing units.

The Fig Project includes both a student housing component (consisting of 222 units) and a mixed-income residential development (consisting of 186 units) with 77 of those dwelling units restricted to households making no more than 80 percent of area median income and 5 of those units restricted to households making no more than 50 percent of area median income. These 82 restricted income units, representing 20 percent of the project's total number of proposed dwelling units, exceed the affordable set-aside requirements of Footnote 14, which only requires that 20 percent of the units developed within the increment from 3:1 to 4.5:1 FAR be restricted as affordable. By including both student housing and affordable housing units, the project provides much needed student housing in close proximity to USC's campus (thereby reducing vehicular trips undertaken by these students), as well as much needed affordable housing along a major commercial corridor in close proximity to transit, shopping, and services. The average FAR of up to 3.25:1 across the site, including a commercial FAR of 0.5:1, is less than the maximum FAR contemplated by Footnote 14, and is fully consistent with the Community Plan's housing objectives and policies.

### Commercial

*Objective 2-1: To conserve and strengthen viable commercial development.*

*Policy 2-1.3: Commercial areas should be consolidated and deepened to stimulate existing businesses, create opportunities for new development and off-street parking, expand the variety of goods and services, and improve shopping convenience as well as offer local employment.*

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

*Objective 2-3: To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.*

*Policy 2-3.1: Encourage the development of offices in Community and Neighborhood Centers.*

The project will not displace any existing commercial development and will instead replace a surface parking lot with a significant amount of new retail, restaurant, office, and hotel-related commercial floor area along one of the City's significant transportation corridors. The project's restaurant uses provide new and expanded dining options for residents of and visitors to the Community Plan area, while the retail area diversifies shopping options available to the immediate neighborhood. The proposed creative office space will provide an opportunity for further economic development along the Figueroa Corridor, and the hotel's commercial dining, public meeting, and banquet spaces provides desirable amenities to hotel guests and members of the public visiting the project. Additionally, the project has

been conditioned to improve the surrounding public right-of-ways, which will serve to enhance the roadways, sidewalks, and street lighting along the site and provide for better connectivity within the neighborhood.

Each of these uses provide economic benefits as well as significant new employment opportunities at the site and within the Community Plan area, thereby strengthening the local economy and contributing to the revitalization of the surrounding neighborhood.

### Urban Design

The project is in substantial conformance with the Community Plan's Urban Design guidelines as follows:

#### Site Planning

- The shared parking garage is located at rear of site, away from the Figueroa Street frontage.
- Maximizes pedestrian-oriented retail and commercial service uses along the Figueroa frontage.
- Provides direct pedestrian access to commercial and residential components from Figueroa Street.
- Provides useable open space throughout the building, including outdoor spaces.
- Provides landscaping between driveways and walkways accessing the rear of the Site
- Screens all mechanical and electrical equipment from public views along streets.
- Locates trash areas within internal areas and not visible from public view.

#### Height and Building Design

- Orients frontage along Figueroa Street to present a lower, more pedestrian scale.
- Parking garage height also serves to buffer residential uses and the pedestrian environment from the freeway to the rear of the site.
- Common design features such as flat roofs, stepped terraces and materials including plaster, expansive glass areas, metal railings and aluminum awnings and storefronts help tie together the overall development.
- Consistent use of landscaping and street-level retail and dining entries along Figueroa Street and 39th Street enhance the streetscape experience.

#### Parking Structures/Landscaping

- The parking structure features an exterior mesh skin in an accordion-like pattern, to create visual interest along the freeway-facing side of the building and complement the exterior façade of the hotel component and other Project buildings.
- The Project's driveways serve to delineate between the project components, with extensive landscaping to provide outdoor dining/seating opportunities.
- Trees as well as attractive paving patterns and materials serve to soften the vehicular focus of these areas.

As demonstrated, the proposed mixed-use development is consistent with the General Plan Framework, Community Plan, and land use designations. The project would redevelop the site currently comprised of eight multi-family residential buildings and surface parking areas and replace it with a mid-rise development consisting of an activated mix of residential,

hotel, office, restaurant, and retail uses. The project would provide much needed residential housing and new hotel and commercial uses to serve the community. The proposal would also improve the economic vitality of the area by integrating a mix of uses in-line with Plan policies for redevelopment and growth in the Regional Center. The project design will further activate the adjacent street level areas, create an inviting pedestrian environment, and will create a unified aesthetic and signage program. In addition, public right-of-way improvements have been imposed as conditions of approval for the project, consistent with City street standards. Therefore, as conditioned, the proposed project is consistent with the General Plan and the proposed land use designation and will serve to implement the goals and objective of the adopted Community Plan.

## **B. ENTITLEMENT FINDINGS**

### **1. ZONE CHANGE, "T" AND "Q" CLASSIFICATION, and "D" LIMITATION FINDINGS:**

- a) *Pursuant to Section 12.32 of the Municipal Code, and based on these Findings, the recommended action is deemed consistent with the General Plan and is in conformity with public necessity, convenience, general welfare and good zoning practice.*

The project site consists of approximately 4.4 acres of property, zoned C2-1L along Figueroa Street and R4-1L along Flower Drive (at the time that the Project was vested in September 2016), within the Community Commercial land use designation in the Southeast Los Angeles Community Plan. The Community Plan identifies the site as within the Figueroa Street Corridor subject to Footnotes 1 and 14. Footnote 1 reiterates that the site is subject to Height District 1. Footnote 14 states that notwithstanding Footnote 1, increases in floor area from 3:1 to 4.5:1 are allowed for certain mixed-use projects, with incentives for student housing and affordable housing.

The commercial portion of the site is primarily comprised of surface parking areas and the residential portion is developed with eight multi-family residential buildings with a total of 32 dwelling units on the northeastern portion of the project site fronting Flower Drive. These residential buildings comprise approximately half of the Flower Drive Historic District (deemed eligible for listing by the State of California), which extends from the project site and to the north along Flower Drive. The current zoning creates an isolated low-density residential area comprised of the Flower Drive Historic District, located directly between regionally-focused commercial, cultural, and sports entertainment uses and the I-110 Freeway with commercial and industrial uses to the east.

In conformance with Footnote 14 of the Community Plan, the Zone and Height District Change would facilitate a Floor Area Ratio increase of up to 3.25:1 in order to develop the mixed-use project, which includes 222 student housing units and 186 multi-family units, of which 82 dwelling units (20% of the total proposed number of dwelling units) would be restricted to households making no more than 80 percent of area median income or 50 percent of the area median income. The proposed C2 zoning across the project site is consistent with the underlying Community Commercial land use designation on the site, which allows for corresponding zones of CR, C2, C4, and RAS3. The proposed C2 Zone allows for general commercial uses, which include restaurants, retail stores, and health clubs, as well as multi-family residential and hotel uses. The requested zone change would allow for development of the site under a cohesive set of zoning standards consistent with the underlying Community Commercial land use designation, rather than a bifurcated set of commercial and residential requirements. The proposed project would be an in-fill development with building heights of up to 90 feet, and comprised of a balanced mix of hotel, office, retail, restaurant, and residential uses. The project would intensify the use on

the site and would provide a diverse mix of housing and employment to the area, consistent with the Community Commercial land use designation and proposed zone for the site.

The General Plan Framework identifies the Project Site as located within a Regional Center, generally characterized by a diversity of uses, with robust transit access, and by floor ratios ranging from 1.5:1 to 6:1 and building heights of six to 20 stories. The project's mix of residential, hotel, and commercial uses is compatible with multiple Community Plan and General Plan goals aimed at locating new mixed-use developments along commercial corridors in areas served by transit. The proposed project would enhance the built environment through the unified development of the site and would include essential and beneficial uses through the synergetic balance of commercial and residential components within a transit-focused regional center. The project site is conveniently located adjacent to the cultural, educational, and sports arena hub of Exposition Park, with immediate access to major streets, regional freeways, and existing public transit. In addition, consistent with Footnote 14 and the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay District, the project adds new student housing units in a new development along the Figueroa Corridor, where students can walk, take transit, or ride their bicycles to USC's campus, thereby reducing traffic congestion and improving air quality. Specifically, providing student housing along Figueroa Street reduces potential negative impacts relating to housing, parking, and traffic that may have occurred as a result of students occupying existing housing in other neighborhoods adjacent to USC. The City adopted the Neighborhood Stabilization Ordinance to create a disincentive for the dormitory-style subdivision of existing structures in these adjacent neighborhoods; however, this ordinance exempts properties along Figueroa Street, thereby incentivizing the development of new student housing along this corridor.

As such, the project will serve to alleviate the pressure for housing within neighborhoods, thereby preserving housing opportunities for local families. There is also necessity for hotel, commercial, student housing, and mixed-income residential uses to support the needs of the district, and the project will add new residents and workers immediately adjacent to a number of transit options. The project will also benefit the community, city, and region by activating the site within one of the regional centers of Southeast Los Angeles and contributing much-needed residential units, hotel, and commercial uses in support of the City's goals for housing, economic development, and neighborhood connectivity.

The proposed zone and height district change is consistent with, and conforms to, the Community Plan and the City's zoning regulations, and the proposed FAR and height increases that would be allowed by the zone and height district change will be consistent with the General Plan Framework's Regional Center long-range land use designation, which calls for FARs of "1.5:1 to 6:1 and are characterized by six- to twenty-story (or higher) buildings," and with "densities and functions [that] support the development of a comprehensive and interconnected network of public transit and services." By concentrating residential density, height, and floor area at the site, near USC and regionally serving transit, the project's zone and height district change represents a focused effort to plan for new growth along the Figueroa Corridor, and thereby conforms to the public necessity, convenience and general welfare of the City. Furthermore, such zone and height district change would demonstrate good zoning practice by providing a harmonious density and land use activity for the vicinity.

The action, as recommended, has been made contingent upon compliance with the "(Q)" and "(T)" conditions imposed herein, as well as "D" limitations. Specific conditions and mitigation measures have been incorporated to address public improvements, building design and layout, sustainability measures, and environmental impacts, consistent with the General Plan Framework. Such limitations are necessary to protect the best interests of and

to assure developments and improvements more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

## 2. 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.*

### Hotel

By redeveloping the site with a new multi-component mixed-use project providing needed housing, shopping, dining, and lodging opportunities to community residents, the project will enhance the built environment in the vicinity of the site. The hotel will contain 298 guest rooms, 160 of which would be select-service guest rooms for shorter-duration stays, while the remaining 138 rooms would include additional amenities for extended stays including kitchen and cooking facilities. The ground level of the hotel will include commercial retail and restaurant spaces fronting on Figueroa Street, as well as the main hotel lobby space and shared guest/public uses such as a lobby lounge, coffee bar, and grab and go dining. Public meeting rooms, as well as additional public dining facilities, would be located on the second floor of the hotel building. These hotel and public uses will be contained within an articulated building that will be an integral part of the larger unified development, and which will become a lodging, shopping, and dining destination along the Figueroa Corridor. Accordingly, the project's hotel component will provide multiple services that are essential as well as beneficial to the community and the City as a whole, while enhancing the built environment.

### Master CUB (Alcohol Sales)

A Master CUB to allow up to six on-site alcohol sales locations within the project's restaurant, bar, and hotel uses would be subject to subsequent Plan Approval applications, or other approved review as permitted by the Los Angeles Municipal Code, as future individual tenants for specific establishments upon which hours of operation, occupancy loads, entertainment, security measures, numbers of employees, and other operational characteristics would be delineated. The proposed sale of alcoholic beverages will enhance the built environment in the surrounding neighborhood with the development of a well-balanced mixed-use project including residential units, hotel uses including dining and meeting facilities, and ground floor commercial spaces which include restaurant uses. The restaurants would be bonafide full service eating establishments and the provision of a full line of alcoholic beverages is customary and normal for such establishments. It is anticipated that the restaurants will attract patrons primarily interested in full meal service, with the ability to consume alcoholic beverages in conjunction with their food service. In addition, it is anticipated that alcohol within the hotel will be primarily served to hotel guests, meeting/conference attendees, and patrons of the public restaurants located within the hotel building.

Hours of operation, as approved under subsequent plan approval applications, will be consistent with and appropriate for the character of the surrounding area. In addition, restaurants promote pedestrian activity, and the serving of alcoholic beverages is a normal and expected component of most restaurants. Accordingly, the character of the area in the vicinity of the Project would be enhanced by the addition of the proposed uses in this location.



Alcohol service will improve the viability and desirability of the food and hotel businesses in the mixed-use development. The availability of alcohol sales for on- and off-site consumption is a desirable amenity that is typical of many restaurants and markets and would provide a beneficial service to the immediate community as well as to patrons of the shopping center.

- 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.*

#### Hotel

Community Plan Footnote 14 incentivizes the development of mixed-use projects along the Figueroa Street Corridor pursuant to the City's approval of a zone and height district change to Height District No. 2D, potentially allowing for unlimited height and a maximum FAR of 4.5:1. The project's proposed maximum FAR will not exceed 3.25:1 across the entire site, and will consist of mid-rise hotel, student housing and mixed-income housing buildings with ground-floor commercial uses, as well as a central parking garage providing parking and rooftop amenities for all three project components, which would be located along the project's Flower Drive frontage. The development's proposed height, size, and operations fully conform with the applicable land use regulations and are also consistent with the mix of uses and development patterns in the area, including other mid-rise and higher rise developments located along the Figueroa Corridor between Exposition Park and downtown Los Angeles. Moreover, the only residentially zoned property that is within 500 feet of the site (and which triggers the requirement to obtain a Conditional Use for the Project's hotel) is a strip of land located adjacent to, and beneath, the 110 Freeway, where the development of new residential uses would not be feasible. Therefore, the project would have no anticipated potential impacts to existing residentially zoned properties and would not adversely affect or degrade the surrounding neighborhood.

#### Master CUB (Alcohol Sales)

The location of the project's alcohol-sale establishments follows an established pattern of orienting alcohol sales along established commercial streets and adjacent to other restaurant uses on Figueroa Street. The restaurant uses with alcohol sales would continue to add to the diversification of commercial activities being conducted in the area and would not adversely affect the surrounding neighborhood. The proposed hours of operation would be conditioned through the plan approval process understanding that the sale of alcohol is incidental to food sales at the restaurants.

No evidence was presented at the hearing or in writing that the sale of alcohol will be materially detrimental to the immediate neighborhood. The plan approval process will include specific conditions of approval intended to address alcohol-related issues to safeguard public welfare and enhance public convenience, such as proper employee training and outdoor security lighting. In addition, as each operator comes in, they will be required to file a plan approval to allow for the Zoning Administrator to review the floor plan and impose any other conditions as deemed appropriate. Therefore, as conditioned, it is anticipated that the use will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or public health, welfare, and safety.

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

### Hotel

The hotel use is in substantial conformance with the purposes, intent, and provisions of the General Plan. In particular, the Southeast Los Angeles Community Plan calls for:

*Objective 7.2: Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

*Objective 7.6: Maintain a viable retail base in the city to address changing resident and business shopping needs.*

The project's balanced mix of land uses includes new student housing units, mixed-income multiple-family residential housing units, hotel guest rooms, and retail, restaurant, office, and hotel-related commercial uses. The commercial retail and restaurant uses would meet the needs of local residents by providing new shopping and dining options, while the proposed creative office uses will create additional employment opportunities for area residents. In addition, the proposed hotel will provide new lodging and meeting options for visitors to the Community Plan area as well as employment opportunities and will therefore contribute economic benefits to the immediate area and the City as a whole. The project therefore conforms with the General Plan and the Community Plan.

### Master CUB (Alcohol Sales)

The project's request for alcohol sales is in substantial conformance with the purposes, intent, and provisions of the General Plan. In addition, the project and requests are consistent with and implement policies in the Southeast Los Angeles Community Plan, a component of the Land Use Element of the General Plan.

*Objective 2-1: To conserve and strengthen viable commercial development.*

*Policy 2-1.3: Commercial areas should be consolidated and deepened to stimulate existing businesses, create opportunities for new development and off-street parking, expand the variety of goods and services, and improve shopping convenience as well as offer local employment.*

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

*Objective 2-3: To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.*

The project will not displace any existing commercial development but will instead introduce a significant amount of new retail, restaurant, office, and hotel-related commercial floor area along one of the City's significant transportation corridors. Specifically, the project's restaurant uses will provide new and expanded dining options for residents of and visitors to the Community Plan area, while the proposed retail options will diversify the shopping options available to this same population. The proposed creative office space will provide an opportunity for further economic development along the Figueroa Corridor, and the hotel's commercial dining, public meeting, and banquet space will provide desirable amenities to hotel guests and members of the public visiting the Project.

Each of these uses will provide economic benefits as well as significant new employment opportunities at the site and within the Community Plan area, thereby strengthening the

local economy and contributing to the revitalization of the surrounding neighborhood. The sale of alcohol in conjunction with the project's restaurant and hotel uses provides a complementary service to the project's uses and therefore conforms with the General Plan and Community Plan.

*Additional Findings Related to Alcohol Sales*

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

The project site is located within an area which is designated for and primarily developed with commercial uses. The approval of the master conditional use will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will be redeveloped with a mixed-use commercial development, with office, hotel, and retail and restaurant uses along the Figueroa Street Corridor, where the service of alcoholic beverages will be contained in a secure environment. The proposed use will not adversely affect the economic welfare of the community, since a vibrant commercial corridor is anticipated to positively impact the financial health of the property and improve the economic vitality of the area via increases in taxable revenue and local employment. The dining and retail establishments will help to enhance the availability of dining options to on-site residents and employees as well as that of the surrounding neighborhood. Ample parking, lighting, security and supervision will be provided to ensure that there will be no adverse effect on the welfare of the surrounding community. Therefore, the proposed alcohol sales will not be materially detrimental to the character of the development in the neighborhood.

- 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.*

The project is located within a Regional Center under the Framework and is designated for Community Commercial uses in the Southeast Los Angeles Community Plan, where a variety of uses are permitted and encouraged, and an increased concentration of licenses is anticipated. In addition, the census tract in which the project is located is an active commercial area that is a destination point for many and where there is a demand and expectation for increased alcohol license issuances. According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, three (3) on-sale and two (2) off-sale licenses are allocated to subject Census Tract No. 2311.00. There are currently six (6) off-site licenses and one (1) on-site license in this Census Tract.

The subject location is within a highly-developed commercial area which has a variety of event venues, museums, and retail establishments which have resulted in the existing off-site alcohol licenses to exceed the maximum number allocated. In these active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by a significant employee population, in addition to the increasing resident population base in the area. The granting of an application for the sale or dispensing of alcoholic beverages can be undue when the addition of a license will negatively impact a neighborhood. It is not undue when approval of a license does not negatively impact an area, but rather such license benefits

the public welfare and serves as a convenience. As supported by the aforementioned facts, the project involves the granting of an application to sell and dispense alcoholic beverages in conjunction with a new mixed-use development will not adversely affect community welfare because hotels and restaurants, are desirable uses in an area designated for such uses. The new mixed-use development will provide a convenience to residents, workers, and visitors to the Figueroa Street Corridor and as conditioned, will not negatively impact the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents.

It is not uncommon to have increased concentrations of crimes in a dense, urban area that is a regional known center and destination. According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 359, which has jurisdiction over the subject property, a total of 180 crimes and arrests were reported in 2017 (81 Part I Crimes and 99 Part II Arrests), compared to the citywide average crimes of 191 offenses per reporting district for the same reporting period. Of the 180 total crimes and arrests reported for the census tract, 0 arrests were made for liquor laws, 1 arrest was made for under the influence of alcohol, and 19 arrests were made for driving under the influence, reported by LAPD.

However, given the project's location within a regional center, the census tract's crime statistics related to alcohol are minimal and the issuance of an additional licenses to serve alcohol on-site or off-site is not anticipated to create a law enforcement problem. Furthermore, the requested entitlement for alcohol sales that are incidental to a mixed-use development is not anticipated to adversely affect crime rates, given the nature of the use which will primarily involve alcohol being consumed by patrons in a controlled restaurant or hotel environment. As proposed by the submitted application and conditioned herein by the City, the requested application will be implemented with conditions intended to prevent public drinking, driving under the influence, and public drunkenness. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring surveillance, responsible management and deterrents against loitering. In addition, as part of the application process, the applicant's representative will meet with the Los Angeles Police Department, and review security, training, and other proposed conditions for the Project. The conditions will safeguard the welfare of the community. As conditioned, allowing the sale of a full line of alcoholic beverages for on-site and off-site consumption is not undue or anticipated to create a law enforcement issue.

The grant will be an accessory use to restaurant and hotel uses that will be an asset to the community and will not adversely affect the community welfare. As a result, the instant grant will not result in an undue concentration of such licenses.

- 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 project site is adjacent to multi-family residences located north of the project site across 39<sup>th</sup> Street. Other nearby sensitive uses include the public park of the adjacent Exposition Park to the west. Exposition Park is also developed with stadium and sports arena uses, which also participate in the sale of alcoholic beverages. The proposal would concentrate the commercial and alcohol-sale components of the project along the Figueroa Street frontage of the project site, adjacent to commercial uses, sports venues, museums, and

other commercial uses. In addition, this grant has placed numerous conditions on the proposed project, such as proper site maintenance, security lighting, employee training, and a time limitation on the grant, in order to eliminate or minimize any potentially detrimental effects on adjacent uses.

## 2. DETERMINATION FOR TRANSITIONAL HEIGHT

- 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 surrounding built environment is substantially developed and urban in character. The site abuts the I-110 Freeway to the east, Exposition Park together with the newly constructed Banc of California Stadium and the Coliseum to the west across Figueroa Street, small-scale commercial development immediately north and south along Figueroa Street, with mid-rise mixed-use development further north along Figueroa Street near USC. To the north along Flower Drive are multi-family residential dwellings, comprising the remaining portion of the Flower Drive Historic District.

Community Plan Footnote 14 incentivizes the development of mixed-use projects containing student and/or affordable housing along the Figueroa Street Corridor, pursuant to the City's approval of a zone and height district change to Height District No. 2D, which potentially allows for unlimited height and a maximum FAR of 4.5:1. The project's proposed maximum FAR, to be achieved pursuant to the requested vesting zone and height district change and the provision of both affordable housing and student housing, will not exceed 3.25:1 across the entire Site. Specifically, the project will consist of mid-rise hotel, student housing, and mixed-income housing buildings with ground-floor commercial uses. A seven-story parking garage, which would provide parking for all three project components, would be located along the site's Flower Drive frontage, and would buffer the project's residential uses from the adjacent freeway.

By developing a mixed-use project that will provide new student, market-rate, and affordable housing opportunities; new neighborhood-serving shopping and dining options; office employment opportunities; and hotel lodging and meeting facilities for visitors to Exposition Park's numerous sporting and cultural facilities, the project will provide numerous beneficial services and amenities to the surrounding community and the broader Community Plan area. The proposed project would enhance the built environment through the unified development of the site and would include essential and beneficial uses through the synergetic balance of hotel retail, office, and residential uses. The project will also benefit the community, city, and region by providing quality retail and restaurant services to employees and residents of the immediate neighborhood. The project also contributes much-needed multi-family housing units to the City's housing supply.

Transitional height standards are primarily intended to protect open spaces and single-family uses from massing impacts such as shade/shadows, reduced privacy, and aesthetic incongruity. However, the project's height deviations are requested due to the project site's adjacency to Exposition Park, where the heights of the adjacent Banc of California Stadium are taller than the project. Therefore, these same considerations and protections are not needed in this instance. As such, allowing for these height deviations would permit the project to proceed with building heights and massing that execute architectural features that form a unified aesthetic and enhancement of the built environment, as well as provide adequate floor heights and essential floor area for additional community-serving retail and commercial uses.

- 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's proposed height, size, and operations are consistent with the applicable land use planning policies and regulations set forth in the General Plan, Community Plan, and Los Angeles Municipal Code (LAMC). The project is also consistent with the mix of uses and development patterns, including mid-rise and higher rise developments, located along the Figueroa Street Corridor between Exposition Park and downtown Los Angeles. The western portion of the Site is within 100 and 199 feet of the eastern boundary of Exposition Park, which is zoned OS (Open Space) by the LAMC. This proximity triggers applicability of the LAMC's transitional height requirements, which are intended to protect the City's low- and no-intensity zoning designations from encroaching development patterns.

However, in this instance, the eastern portion of Exposition Park adjacent to the Site is currently developed with the Los Angeles Football Club soccer stadium, which is over 100 feet in height, exceeding the 83-foot building height of the Project's buildings fronting Figueroa Street. As a result of the existing improvements within Exposition Park in proximity to the Site, there is limited rationale for imposing a 61-foot transitional height limit upon the Project, as the Project's proposed building heights will be compatible with and not adversely affect existing improvements within Exposition Park. Accordingly, approval of a determination to exceed the LAMC's transitional height limits to allow the Project's building heights would not cause impacts to public health, welfare, or safety.

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

As noted above, the project's uses and improvements are compatible with the development policies and regulations set forth in the General Plan, Community Plan, and LAMC. The project will provide needed housing opportunities for students and mixed-income residents, as well as lodging opportunities for visitors to the area in general and Exposition Park in particular. The development patterns along the Figueroa Street Corridor between Exposition Park and downtown Los Angeles include a mix of mid-and higher-rise buildings, which the project would be consistent with. In addition, the project's complementary mix of uses, as well as its proximity to significant transit infrastructure, will lead to its residents, guests, and patrons being able to take advantage of multiple alternative forms of transportation, thereby reducing individual vehicle trips to and from the site, as well as along Figueroa Street. Moreover, the development of the project will result in new neighborhood serving retail and restaurant uses along Figueroa Street, along with new landscape and streetscape improvements, further promoting pedestrian traffic and accessibility along this corridor. Accordingly, the project's use, buildings, open spaces, and other improvements will be compatible with adjacent properties and the surrounding neighborhood.

- d) *The project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.*

The surrounding built environment is substantially developed and urban in character. The site abuts the I-110 Freeway to the east, Exposition Park together with the newly constructed Banc of California Stadium and the Coliseum to the west across Figueroa Street, small-scale commercial development immediately north and south along Figueroa Street, with mid-rise mixed-use development further north along Figueroa Street near USC. To the north along Flower Drive are multi-family residential dwellings, comprising the remaining portion of the Flower Drive Historic District.

The project would construct a mixed-use development comprised of three components: a Hotel Component, a Student Housing Component, and a Mixed-Income Housing Component. Each component would be contained in a separate seven-story building designed specifically to serve a distinctive function, and all three components would be served by a central eight-story parking structure with one level of subterranean parking and a rooftop amenity level. The three main buildings would reach a building height of 83 feet, and the parking structure would be up to 90 feet in height.

The unified mixed-use development is designed to cohesively redevelop the site with ground-floor commercial uses and hotel, student housing, and residential buildings to activate the street frontages and complement an active retail plaza. The project buildings would be set back along all frontages in order to create wider pedestrian spaces, resulting in pedestrian walkway widths of approximately 25 feet along both Figueroa Street and 39th Street and 10 feet along Flower Drive. The project's street frontages are lined with pedestrian-scale features, landscape and streetscape elements, and active uses such as transparent storefronts and residential lobbies along Figueroa Street and a hotel lobby and amenities along 39th Street. Collectively, this design would materially enhance the streetscape and activate the pedestrian realm, allowing for direct pedestrian access to each of the project components from the adjacent public streets.

Building heights for the project vary from approximately 83 feet along Figueroa Street to a maximum of 90 feet for the parking structure within the interior of the site and adjacent to the elevated I-110 Freeway. The site and building design have been carefully crafted to minimize height and massing impacts on neighboring uses. The tallest portions of structures are concentrated into the center and rear of the site, while building heights taper down closer to the Figueroa Street corridor and Exposition Park. In addition, several open-air courtyards have been punched in along each of the building facades for additional visual relief. Overall, the building elevations utilize a variety of architectural features, building materials, and changes in building depth and color in order to create a consistent rhythm and cohesive theme throughout the project site.

No shade/shadow impacts will occur on neighboring properties and the project will not impede privacy on adjacent uses through the use of balconies. In addition, hotel and commercial uses have been designed to orient along Figueroa Street and 39<sup>th</sup> Street, along the active commercial corridor, and any loading or noise-generating back-of-house uses are located towards the freeway. These building and site characteristics ensure that the project has been designed to activate the commercial corridor, and to complement the activity and uses across Figueroa Street at the Banc of California Stadium as well as other sports and cultural institutions housed at Exposition Park, therefore resulting in an overall project design that is compatible with the scale and character of the adjacent properties and neighborhood.

### 3. SITE PLAN REVIEW

- a) *The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.*

**Framework Element.** The General Plan Framework sets forth a citywide comprehensive long-range growth strategy and defines citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework's Long-Range Diagram identifies the Project Site together with adjacent commercial areas along Figueroa Street, as

a Regional Center and as a focal point of regional commerce, identity, and activity. Regional Centers typically contain a diversity of uses, act as transportation hubs, and fall within a range of floor ratios from 1.5:1 to 6:1, characterized by building heights of six to 20 stories.

In addition, the Figueroa Corridor is envisioned as a significantly developed urban environment and seeks to establish a “[m]ixed use center that provide[s] jobs, entertainment, culture, and serve[s] the region” and meets the demand for new housing and employment opportunities, as well as lodging options, in proximity to the University of Southern California campus, downtown Los Angeles, and the regional attractions located in Exposition Park.

The Fig Project involves the construction of an integrated seven-story mixed-use development consisting of 298 hotel guest rooms, 222 student housing units, 186 mixed-income housing units (77 units reserved for Low Income households and 5 units reserved for Very Low Income households), and approximately 96,500 square-feet of commercial uses, including retail establishments, restaurants, hotel amenities, meeting spaces, and office uses. Public and private recreational amenities would be strategically located throughout the site and on the roof deck of the centralized eight-story parking structure, and an approximately 8,000 square-foot central landscaped plaza is featured along Figueroa Street. The project results in up to 620,687 square feet of floor area on an approximately 4.4-acre site.

The Project would be consistent with the uses, density, and development type envisioned by the General Plan Framework. The project site is currently developed with surface parking and eight multi-family residential buildings within the Flower Drive Historic District, with an FAR of 0.2 over the entire site, and more specifically, an FAR of approximately 0.6 for each of the residentially-developed lots. The proposed project would be an in-fill development resulting in a FAR of up to 3.25:1, with building heights between seven and eight stories, and comprised of a balanced mix of hotel, retail, restaurant, office, student housing, and residential uses. The project consists of the type of development envisioned by the Framework Element within a Regional Center; namely, “housing with commercial uses . . . in concert with supporting services, recreational uses, open spaces and amenities.” The project would intensify the use on the site and would providing a diverse mix of housing and employment to the area, consistent with the Regional Center designation of the site.

The project satisfies the following objectives and policies of the General Plan Framework:

*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.*



*Objective 3.15: Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.*

*Policy 3.15.3: Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy.*

*Objective 3.16: Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.*

Development of the project will also further enable the type of transit-oriented development; shopping, dining, and employment opportunities; and open space at the site as called for by the Framework Element. The project will support Objectives 3.4 and 3.15 and Policy 3.4.1 by providing a high-density mixed-use residential and commercial development within one of Southeast Los Angeles' Regional Center area, with a focus on pedestrian amenities and in close proximity to major thoroughfares. The site is near multiple transit lines, including Metro's Expo and Blue rail lines, as well as multiple bus routes, furthering Framework Element Objective 3.4 and Policy 3.4.1, by accommodating increased residential and commercial development along a major transportation and commercial corridor in a manner that encourages walking, biking, and public transit usage. The project will achieve Objective 3.10 through the addition of hotel and commercial space that will strengthen the economic base and opportunities for new businesses, by providing employment opportunities for the community. The Project's residential uses will also economically support commercial areas of the district. In addition, the Project accommodates Objective 3.16 through its pedestrian-oriented design and streetscape improvements, which include wide sidewalks, street trees, and pedestrian lighting.

Furthermore, the project's retail and restaurant uses and publicly accessible plaza and pedestrian pathways will enhance pedestrian connectivity, and are consistent with Framework Element Policy 3.10.3, which calls for Regional Centers to promote "high-activity areas in appropriate locations that are designed to introduce pedestrian activity." The project also satisfies Framework Element Design and Development Policy 3.10.5, with the provision of pedestrian-oriented open space, outdoor seating, extensive landscaping, high quality hardscape materials, and other amenities that create an active urban gathering space.

Housing Element. The project also meets the policies set forth regarding housing in the land use chapter of the Framework Element and the Housing Element.

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

*Objective 1.1-4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.*

The project will further a key Housing Element goal of reducing the City's existing housing shortage, as well as its jobs-housing imbalance, by developing the site with new student housing units, market-rate housing units, and income-restricted housing units together with retail, office, and hotel uses which offer employment opportunities. By locating student housing units at the site, the project is consistent with the City's Community Plan Footnote

14 and the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay District, each of which serve to incentivize the development of student housing along the Figueroa corridor, thereby protecting lower-density single-family neighborhoods from encroachment from new student housing developments. Moreover, the project's 186 mixed-income units (including 82 low and very low income units) provide much needed housing opportunities along a major commercial and transportation corridor. As such, residential development coupled with the proposed commercial uses will enliven and improve the Figueroa Corridor, and by providing new housing proximate to jobs, neighborhood serving retail/restaurant uses, USC's educational opportunities, and Exposition Park's sporting and cultural facilities, the project will encourage walking and bicycle usage, thereby reducing vehicular trips and overall vehicle miles traveled.

Economic Development. The project advances numerous goals and policies contained in the Framework Element's Economic Development chapter, including the following:

*Objective 7.2: Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

*Objective 7.6: Maintain a viable retail base in the city to address changing resident and business shopping needs. The Project's balanced mix of land uses includes new student housing units, mixed-income multiple-family residential housing units, hotel guest rooms, and retail, restaurant, office, and hotel-related commercial uses.*

The commercial retail and restaurant uses meet the needs of local residents by providing new shopping and dining options, while the proposed creative office uses create additional employment opportunities for area residents. In addition, the hotel provides new lodging and meeting options for visitors to the Community Plan area as well as employment opportunities, thereby contributing economic benefits to the immediate area and the City as a whole.

General Plan Land Use Designation. The subject property is located within the South Los Angeles Community Plan, updated and adopted by the City Council on November 22, 2017. The project, however, was filed as a vesting application under the Southeast Los Angeles Community Plan that was adopted by the City Council in March 2000. The 2000 Southeast Los Angeles Community Plan Map designates the property for Community Commercial land uses and allows for corresponding zones of C2, C4, RAS3, RAS4, R3, and R4. Under the 2000 Community Plan, the property is subject to Community Plan Footnote 14, which allows for an increase in FAR for mixed-use projects containing affordable and/or student housing units. Specifically, Footnote 14 imposed a maximum FAR of 1.5:1 for 100 percent commercial or mixed-use projects and prohibits 100 percent residential projects. However, mixed-use projects may achieve an increased FAR of 3:1, provided that the City approves a corresponding Zone/Height District Change to Height District 2D. Furthermore, an additional FAR of 1.5:1, for a maximum total FAR of 4.5:1, may be granted to mixed-use projects that 1) set aside 20 percent of the dwelling units developed in the increment from 3:1 to 4.5:1 FAR for households making between 30 and 120 percent of Area Median Income, or 2) are reserved for and designed primarily to house students and/or students and their families. Footnote 14 further required that the commercial uses in such mixed-use projects comprise no less than 0.5:1 and no more than 0.9:1 FAR.

The project includes a request for Zone Change to create a uniform commercial zoning of (T)(Q)C2-2D in accordance with the requirements of Community Plan Footnote 14 regarding FAR incentives for projects including affordable and/or student housing uses. This request

would result in land use and zoning consistency, and is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the Southeast Los Angeles Community Plan.

**General Plan Text.** The Southeast Los Angeles Community Plan, a part of the Land Use Element of the City's General Plan, states the following objectives and policies that are relevant to the project:

**Residential**

*Objective 1-2: To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.*

*Policy 1-2.1: Locate higher residential densities near commercial centers, light mass transit stations, and major bus routes where public service facilities, utilities, and topography will accommodate this development.*

*Policy 1.2.2: Locate senior citizen housing and mixed income housing, when feasible, near commercial centers and transit and public service facilities.*

*Objective 1-5: To promote and ensure the provision of adequate housing for all persons regardless of income, age, or ethnic background.*

*Policy 1-5.1: Promote greater individual choice in type, quality, price, and location of housing.*

The project substantially conforms with the purpose, intent and provisions of the Community Plan. The proposed project will meet the above objectives and policies by providing a significant number of new residential dwelling units along the busy Figueroa corridor, in close proximity to existing transit infrastructure, and provides local access to services and amenities, as well as regional access via the adjacent 110 Freeway and nearby 10 Freeway. In addition, the project includes a significant amount of neighborhood-serving retail and restaurant uses, which can be utilized by project residents and guests, thereby providing even greater access to dining and shopping options, and correspondingly reducing vehicle trips. Moreover, the project includes an office component, facilitating potential employment opportunities for residents of the project, as well as residents of the larger Community Plan area.

Moreover, the requested zone and height district change is consistent with the intent and purposes of Footnote 14 of the Community Plan, which was adopted by the City to facilitate increases in FAR for mixed-use projects along this portion of Figueroa that contain student housing or affordable units, and to direct such increased development patterns away from stable, low density residential neighborhoods in the Community Plan area. Footnote 14 specifically provides that a mixed-use project seeking to increase its FAR above 1.5:1 may seek a zone and height district change to Height District 2D, and may achieve a maximum FAR of up to 4.5:1 through the inclusion of student housing units or affordable housing units.

The Fig Project includes both a student housing component (consisting of 222 units) and a mixed-income residential development (consisting of 186 units) with 77 of those dwelling units restricted to households making no more than 80 percent of area median income and 5 of those units restricted to households making no more than 50 percent of the area median income. These 82 restricted income units, representing 20 percent of the project's

total number of proposed dwelling units, exceed the affordable set-aside requirements of Footnote 14, which only requires that 20 percent of the units developed within the increment from 3:1 to 4.5:1 FAR be restricted as affordable. By including both student housing and affordable housing units, the project provides much needed student housing in close proximity to USC's campus (thereby reducing vehicular trips undertaken by these students), as well as much needed affordable housing along a major commercial corridor in close proximity to transit, shopping, and services. The average FAR of up to 3.25:1 across the site, including a commercial FAR of 0.5:1, is less than the maximum FAR contemplated by Footnote 14, and is fully consistent with the Community Plan's housing objectives and policies.

### Commercial

*Objective 2-1: To conserve and strengthen viable commercial development.*

*Policy 2-1.3: Commercial areas should be consolidated and deepened to stimulate existing businesses, create opportunities for new development and off-street parking, expand the variety of goods and services, and improve shopping convenience as well as offer local employment.*

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

*Objective 2-3: To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.*

*Policy 2-3.1: Encourage the development of offices in Community and Neighborhood Centers.*

The project will not displace any existing commercial development and will instead replace a surface parking lot with a significant amount of new retail, restaurant, office, and hotel-related commercial floor area along one of the City's significant transportation corridors. The project's restaurant uses provide new and expanded dining options for residents of and visitors to the Community Plan area, while the retail area diversifies shopping options available to the immediate neighborhood. The proposed creative office space will provide an opportunity for further economic development along the Figueroa Corridor, and the hotel's commercial dining, public meeting, and banquet spaces provides desirable amenities to hotel guests and members of the public visiting the project. Additionally, the project has been conditioned to improve the surrounding public right-of-ways, which will serve to enhance the roadways, sidewalks, and street lighting along the site and provide for better connectivity within the neighborhood.

Each of these uses provide economic benefits as well as significant new employment opportunities at the site and within the Community Plan area, thereby strengthening the local economy and contributing to the revitalization of the surrounding neighborhood.

### Urban Design

The project is in substantial conformance the Community Plan's Urban Design guidelines as follows:

#### Site Planning

- The shared parking garage is located at rear of site, away from the Figueroa Street frontage.
- Maximizes pedestrian-oriented retail and commercial service uses along the Figueroa frontage.
- Provides direct pedestrian access to commercial and residential components from Figueroa Street.
- Provides useable open space throughout the building, including outdoor spaces.
- Provides landscaping between driveways and walkways accessing the rear of the Site
- Screens all mechanical and electrical equipment from public views along streets.
- Locates trash areas within internal areas and not visible from public view.

#### Height and Building Design

- Orients frontage along Figueroa Street to present a lower, more pedestrian scale.
- Parking garage height also serves to buffer residential uses and the pedestrian environment from the freeway to the rear of the site.
- Common design features such as flat roofs, stepped terraces and materials including plaster, expansive glass areas, metal railings and aluminum awnings and storefronts help tie together the overall development.
- Consistent use of landscaping and street-level retail and dining entries along Figueroa Street and 39th Street enhance the streetscape experience.

#### Parking Structures/Landscaping

- The parking structure features an exterior mesh skin in an accordion-like pattern, to create visual interest along the freeway-facing side of the building and complement the exterior façade of the hotel component and other Project buildings.
- The Project's driveways serve to delineate between the project components, with extensive landscaping to provide outdoor dining/seating opportunities.
- Trees as well as attractive paving patterns and materials serve to soften the vehicular focus of these areas.

As demonstrated, the proposed mixed-use development is consistent with the General Plan Framework, Community Plan, and land use designations. The project would redevelop the site currently comprised of eight multi-family residential buildings and surface parking areas and replace it with a mid-rise development consisting of an activated mix of residential, hotel, office, restaurant, and retail uses. The project would provide much needed residential housing and new hotel and commercial uses to serve the community. The proposal would also improve the economic vitality of the area by integrating a mix of uses in-line with Plan policies for redevelopment and growth in the Regional Center. The project design will further activate the adjacent street level areas, create an inviting pedestrian environment, and will create a unified aesthetic and signage program. In addition, public right-of-way improvements have been imposed as conditions of approval for the project, consistent with City street standards. Therefore, as conditioned, the proposed project is consistent with the General Plan and the proposed land use designation and will serve to implement the goals and objective of the adopted Community Plan.

- b) *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 project would construct a mixed-use development comprised of three components: a Hotel Component, a Student Housing Component, and a Mixed-Income Housing Component. Each component would be contained in a separate seven-story building designed specifically to serve a distinctive function, and all three components would be served by a central eight-story parking structure with one level of subterranean parking and a rooftop amenity level. The three main buildings would reach a building height of 83 feet, and the parking structure would be up to 90 feet in height. The Project includes up to 620,687 square feet of floor area, and a floor area ratio (FAR) of up to 3.25:1, including a commercial FAR of 0.50:1.

The unified mixed-use development is designed to cohesively redevelop with site with ground-floor commercial uses and hotel, student housing, and residential buildings to activate the street frontages and complement an active retail plaza. The project buildings would be set back along all frontages in order to create wider pedestrian spaces, resulting in pedestrian walkway widths of approximately 25 feet along both Figueroa Street and 39th Street and 10 feet along Flower Drive. The project's street frontages are lined with pedestrian-scale features, landscape and streetscape elements, and active uses such as transparent storefronts and residential lobbies along Figueroa Street and a hotel lobby and amenities along 39th Street. Collectively, this design would materially enhance the streetscape and activate the pedestrian realm, allowing for direct pedestrian access to each of the project components from the adjacent public streets.

Commercial uses and entrances would be provided along Figueroa Street, and accessible from the pedestrian walkways along the perimeter of the buildings and from the central plaza. The central outdoor plaza would connect the hotel, retail areas, and student housing building, allowing for a transition from the commercial components of the hotel and retail uses near 39<sup>th</sup> Street and Figueroa Street to the mixed-income housing building further south. The mixed-income housing building at the southern end of the project site would include ground floor retail and office uses, with separate pedestrian level entrances and lobbies. The hotel and ground-floor commercial uses across the development are intended to complement the activity and uses across Figueroa Street at the Banc of California Stadium as well as other sports and cultural institutions housed at Exposition Park.

By minimizing driveways overall, and concentrating vehicular traffic on the side streets, the project promotes pedestrian activity to occur along Figueroa Street. The vehicular access and port cochere of the hotel is located along 39th Street, which will offer valet services to guests and access to the basement level of the shared parking garage. Vehicular access is also located between the student and mixed-income housing buildings, allowing for a visible separation between the two structures, but still functioning as a unified development. This access is designed as a full-access driveway off of Figueroa Street, and would include a designated area for rideshare and drop-off leading into the parking structure, as well as a thoroughway to Flower Drive. Additional vehicle entrances and loading areas are also located off of Flower Drive.

- A. Building Design. The hotel and residential buildings' proposed design would be consistent with the design policies set forth in the Citywide Design Guidelines and Walkability Checklist. The building elevations utilize a variety of architectural features, building materials and changes in depth and color to break up massing and create a consistent architectural theme for the development. The parking structure is located at the rear of the project site along Flower Drive where it serves as a barrier between the project and the I-110 freeway. Thus, visibility of the parking levels will be minimal from the public rights-of-way, and the structure has been designed with architectural screening. Fenestration and balconies front on Figueroa Street to promote a safe

residential environment. Commercial uses incorporate storefront designs on the ground floor of Figueroa and 39th Streets and a plaza that enhances a pedestrian-oriented retail environment.

- B. Height/Bulk. The tallest of the proposed buildings reaches approximately 90 feet in height (parking structure), with a height of 83 feet for the hotel and residential buildings. The commercial uses are approximately 13.5 feet in height and one story. The proposed height of the buildings is compatible with the development in the immediate area. To the north along Figueroa Street, commercial, residential and mixed-use structures range in height from one story to six stories at Exposition Boulevard. Across the street, structures in Exposition Park reach over 100 feet and include the recently constructed Banc of California Stadium. To the rear of the project site, is the I-110 Freeway that is much taller than the proposed project and that of the adjacent multi-family structures along Flower Drive. As a whole, the project is comparable of recently developed mixed-use projects in the immediate vicinity.
- C. Setbacks. The project will comply with the requirements of the Municipal Code and will further the goals and streetscape guidelines of the Citywide Design Guidelines, by providing additional building setbacks to provide for wide pedestrian walkways along all street frontages. Ground floor treatments also include active retail uses, plazas, prominent entryways, and pedestrian-scaled architecture. Adequate separation distances will be maintained between all buildings within and adjacent to the site.
- D. Off-Street Parking. Residential and commercial parking for the project will be accommodated on-site in accordance with the requirements of the Municipal Code and will be consolidated within a standalone parking structure located off Flower Drive at the rear of the project site, where it abuts the I-110 Freeway. The parking facilities will be screened with architectural elements and are located at the rear of the project site, where it would be visible from the freeway but not from the project's primary frontages along Figueroa or 39th Street. The parking structure design and location orients vehicular traffic away from these primary frontages so as to maintain active pedestrian environments along the ground-level building frontages. In addition, the parking garage would include infrastructure for electric vehicle charging stations to facilitate the use of electric vehicles. Bicycle parking is also provided in accordance with the Municipal Code, and includes visible short-term bicycle along building frontages, as well as secure and accessible long-term bicycle parking facilities for residents within the ground floor parking level of the parking structure.
- E. Loading. Any loading or noise-generating back-of-house uses are located away from the primary frontages of 39th Street and Figueroa Street and instead provided via Flower Drive. Mechanical equipment and utilities are also appropriately screened within the building without detracting from the usability and active street presence of the development. Access to parking, services and fire safety lanes have been consolidated to minimize impacts on existing streetscapes and to minimize impacts to existing street parking.
- F. Lighting. Project lighting would incorporate low-level exterior lights on the building and along pathways for security and wayfinding purposes. In addition, low-level lighting to accent signage, architectural features, and landscaping elements would be incorporated throughout the site to provide for efficient, effective, and aesthetically lighting solutions that minimize light trespass from the site. Outdoor lighting sources will be shielded away from adjacent uses to minimize impacts.

G. Landscaping. Open space and landscaping for the project is concentrated on the rooftop of the parking structure, in centralized courtyards for the hotel and residential buildings, as well as the plaza accessible off of Figueroa Street. Landscaping would also be installed around the perimeter of the proposed buildings and along internal drive aisles. The perimeter streetscape character would accommodate pedestrians through the use of generous walkways, shade canopy trees, street furniture, and continuity into outdoor dining spaces. Internal vehicular access ways would be amenitized with unique paving materials and diverse landscape materials. Landscaping would also be provided within the outdoor dining areas and in the lobby courtyards.

H. Trash Collection. The project is conditioned to enclose all tenant trash containers from view and has incorporated trash collection features into building designs. Trash receptacles will also be provided throughout the open areas of the project. The project will include a recycling area or room for the collection of glass, cans, paper and plastic recyclable materials. Trash and recycling facilities will be kept secure from unauthorized entry.

c) *The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.*

The project would provide a total of approximately 44,930 square feet of outdoor open space and recreational amenities, as well as indoor fitness centers and lounges, for use by the residents of the student housing and mixed-income housing buildings. Active recreational amenities would be located on the rooftop terrace above the parking structure. These amenities include a pool, spa, fitness centers, and basketball court. Other open space and passive recreational areas would include courtyards, indoor lounges, and outdoor terraces. These extensive on-site project amenities both improve the habitability of the units and reduce potential impacts on neighboring properties and community recreational facilities.

The project is located in an urbanized setting, in an area identified by the General Plan Framework as a regional center, which attracts a substantial working and visiting population. The project would also provide service amenities such as destination retail and dining offerings available to residents, local customers, visitors, and transit users. Therefore, the project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The condition requiring EV-ready parking spaces (installed with chargers) on-site will support the adoption of low and zero emission transportation fuel sources by the project's occupants and visitors. This condition provides for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and City in response to General Plan Health and Wellness Element Policies 5.1 (reduce air pollution), 5.7 (reduce greenhouse gas emissions); Air Quality Element policy 4.2.3 (ensuring new development is compatible with alternative fuel vehicles), 5.1.2 (shift to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices) and 5.4 (encourage adoption of low emission fuel sources, new mobility technology and supporting infrastructure). The EV condition is also good zoning practice because it provides a convenient service amenity to the occupants or visitors who use electric vehicles. As such, the Project provides recreational and service amenities to improve habitability for the residents and to minimize impacts on neighboring properties.



## **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

### **FINDINGS OF FACT (CEQA)**

This Environmental Impact Report (EIR), consisting of the Draft EIR, Final EIR, and Errata is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of The Fig Project (Project), located at 3900 South Figueroa Street (Site or Project Site). The Project is a mixed-use development comprised of three components (a Hotel Component, a Student Housing Component, and a Mixed-Income Housing Component) containing a total of 298 hotel rooms, 222 student housing units, and 186 mixed-income dwelling units, as well as retail, restaurant, and office uses, with a maximum floor area of 620,687 square feet, a total floor area ratio (FAR) of 3.25:1, and a commercial FAR of 0.50:1.

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of The Fig Project by preparing an environmental impact report (EIR) (Case Number ENV-2016-1892-EIR/State Clearinghouse No. 2016071049). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines").

The Draft EIR was circulated for a 45-day public comment period beginning on October 12, 2017 and ending on November 27, 2017. The Final EIR was then distributed on October 11, 2018 and Errata of minor corrections and clarifications to the Final EIR were issued on November 28, 2018 and January 31, 2018. The Advisory Agency certified the Final EIR and Errata on December 7, 2018 ("Certified EIR") in conjunction with the approval of the Project (VTT-74193-CN). In connection with the certification of the EIR, the Advisory Agency adopted CEQA findings, including a statement of overriding considerations acknowledging that the Project will have significant effects on the environment (aesthetics related to historic resources, historic resources, noise, and transportation/traffic), and a mitigation monitoring program. The Advisory Agency adopted all mitigation measures in the EIR as conditions of approval. The Advisory Agency's decision to certify the EIR, approve the project, and approve the vesting tentative tract map was subsequently appealed. At its February 14, 2019 meeting, the City Planning Commission considered the appeals. The City Planning Commission denied the appeals and sustained the actions of the Advisory Agency in certifying the EIR, adopting the environmental findings prepared for the Project, adopting the mitigation monitoring program, and approving the vesting tentative tract map.

At the same February 14, 2019 meeting, the City Planning Commission approved the project and other entitlement requests, including a vesting zone change and height district change, a conditional use for a hotel, a master conditional use permit for alcohol sales, a height determination, and a site plan review. The City Planning Commission found that the Project was assessed in the previously certified EIR and no subsequent EIR or addendum was required for approval of the Project.

### **NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED**

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the above changes or factors has arisen since the Project approval. There are no substantial changes to the Project, and the Project is substantially the same as the approved Project. No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the Project. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the project.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the Project's conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of the Project.

Therefore, as the Project was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required for the Project, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

## RECORD OF PROCEEDINGS

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR, Final EIR, and Errata are available on the Department of City Planning's website at <http://planning.lacity.org> (to locate the documents click on the "Environmental Review" tab on the left-hand side, then "Final EIR," and click on the Project title, where the Draft and Final EIR are made available). The Draft and Final EIR are also available at the following four Library Branches:

- Los Angeles Central Library - 630 W. Fifth Street, Los Angeles, CA 90071;
- Junipero Serra Branch Library - 4607 S. Main Street, Los Angeles, CA 90037;
- Exposition Park Regional Branch Library - 3900 S. Western Avenue, Los Angeles, CA 90062