

CPC-2009-3416-DA-TDR-CUB-CU-CUW-ZV-SN-ZAD-SPR-GB CONDITIONS OF APPROVAL-- COMPREHENSIVE LIST

General Entitlement Conditions

1. **Use.** The use and area regulations for the new development on-site shall be limited to those permitted in the C2 Zone as defined in Section 12.14 of the LAMC. Uses permitted are further described under the Land Use Equivalency Program, Condition 8.
2. **Site Plan.** The project shall be constructed in substantial conformance to the submitted site, elevation, and landscape drawings submitted as Exhibit A, as permitted with regard to the Design Flexibility Program (see Condition of Approval 6), and subject to conditions herein. Prior to the issuance of any building permits, a revised detailed development plan including a final site plan, elevations, facades, and architectural treatment, and landscaping / irrigation plans shall be submitted for review and approval by the Planning Department. The plans shall comply with the Los Angeles Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Height.** No building shall exceed a height 1250 feet, and the height of the building podium shall not exceed 170 feet. Building height shall be measured from the top of the curb at the corner of Figueroa and 7th Streets adjacent to the project site.
4. **Floor Area.** The floor area of all buildings shall be in conformance with the Height District No. 4, permitting a 13:1 Floor Area Ratio. The project shall be approved with a base Floor Area Ratio of 7.73:1 or 911,846 square feet of floor area, reflecting pre-existing approved floor area transfers recognized by the zone's "D" Density Limitation condition. Pursuant to the Transfer of Floor Area condition below, the project shall not exceed a maximum floor area of 2,397,304 square feet.
5. **Transfer of Floor Area.** The total amount of floor area authorized to be transferred by this action shall not exceed 1,485,458 square feet. The total floor area of the Project, inclusive of existing floor area rights, shall not exceed 2,397,304 square feet.
 - a. The Project is subject to and shall pay both a Public Benefit Payment and a TFAR Transfer payment in conformance, respectively, with Section 14.5.6 and 14.5.8 through 14.5.12 of this Code. Such payment shall be based on the actual amount of floor area transferred to the Project site. Consistent with the TFAR Ordinance, the Project shall provide 50 percent of the Public Benefit Payment through direct provision of an enhanced, minimum one-quarter acre public plaza near the intersection of 7th Street and Figueroa Street.
 - b. Applicant shall have the right to make advance TFAR Transfer Payments and Public Benefit Trust Fund Payments.
 - c. The Project shall substantially comply with the Downtown Design Guide, subject to a subsequent review of detailed project plans for conformance with applicable design guidelines prior to the issuance of a building permit.
 - d. Phasing: The project may be considered a multi-phase project.
 - e. Any TFAR Payments would be pro-rated to the amount of TFAR being acquired in the event the maximum amount of TFAR approved is not required.
 - f. Term: Initial Period
 - i. The Initial Period shall commence upon the effective date of the approval of the Transfer Plan, after the expiration of any appeal periods or upon conclusion of any appeals, and shall expire two (2) years after the issuance of the Certificate of Occupancy for Phase One.

- ii. Land value has been determined by an Appraisal and shall be fixed at \$180/square feet of site area for the Initial Period.
- g. Term: First Extension Period
 - i. If the TFAR has not been acquired within the Initial Period, the Term shall be extended by-right for a five (5) year period, subject to the following requirements:
 - ii. Land value shall be recalculated based on one of the following methodologies at Applicant's election:
 - 1. Indexing based on Consumer Price Index (CPI), or
 - 2. An appraisal.
 - iii. The adjusted land value would be fixed for a subsequent five (5) year period.
- h. Term: Further Extension Period(s)
 - i. If TFAR is not acquired during the First Extension Period, the Director of Planning has the authority to revoke the TFAR approval upon finding that other viable project(s) require TFAR and City-owned donor sites lack sufficient TFAR to accommodate such projects.
 - ii. If the Director of Planning does not exercise the authority to revoke the TFAR approval, the TFAR term shall be extended for an additional five (5) year period, and the land value shall be adjusted based on the methodology outlined in 5.g.ii above.
 - iii. If the Director of Planning does exercise the authority to revoke the TFAR approval:
 - 1. The land value would be adjusted based on the methodology described in Condition Subsection g.ii above.
 - 2. Applicant would have the right, but not the obligation, at that time, to acquire and vest the TFAR based on the adjusted land value.
 - 3. If Applicant elects not to acquire the TFAR, the Director of Planning would have the right to revoke the TFAR from Applicant.
 - iv. In any event, if TFAR is not acquired within 15 years of the effective date of the approval of the Transfer Plan, the Director of Planning may revoke the TFAR approval, unless further extended in writing at the sole discretion of the Director.

6. Design Flexibility Program. The project shall meet the following design parameters and shall follow the review process outlined in Exhibit D. In the event the project is phased, no building permit shall be issued for a phased project that compromises any of the below:

- a. Building coverage of the site between the heights of zero feet and 170 feet shall be no more than 85 percent of the site area. The plaza shall be included in the area not considered building coverage.
- b. Building coverage above a height of 170 feet shall be no more than 55 percent of the site area.
- c. Building separation above a height of 170 feet shall be a minimum of 40 feet if the buildings are generally separated in a diagonal manner.
- d. Building separation above a height of 170 feet shall be a minimum of 80 feet if the buildings facades are parallel to each other.
- e. No building that measures above 170 feet in height shall have a building footprint greater than 30,000 square feet.
- f. The outdoor plaza shall be at least one-quarter acre (10,890 square feet) in size and shall be generally oriented toward the intersection of Figueroa Street and 7th Street.
- g. There shall be, at a minimum, one pedestrian connection from Figueroa Street and 7th Street to the outdoor plaza.

- h. Within the outdoor plaza, at least 30 percent of the area shall be landscaped or included in a water feature, distinct from hardscape area.
 - i. Within the outdoor plaza, the water feature (see Condition 7e) shall be a minimum size of 500 square feet.
 - j. On each of the four street frontages of the site, the following minimum proportions of building facades, from sidewalk grade to twenty feet above, shall be transparent (i.e. openings or glass) rather than opaque building material:
 - i. Figueroa Street: 50 percent
 - ii. 7th Street: 50 percent
 - iii. Wilshire Boulevard: 50 percent
 - iv. Francisco Street: 25 percent
 - k. There shall be at least one building constructed above a height of 170 feet on the site.
 - l. No building above a height of 170 feet shall have any façade longer than 300 feet in width.
 - m. Access points and site circulation shall be maintained in general conformance with the Conceptual Plan (Exhibit A).
 - n. City Planning Commission design consultation shall be required if the tower generally located at Figueroa Street and Wilshire Boulevard is not at least 25% taller in height than the tower located generally located along 7th Street.
 - o. City Planning Commission design consultation shall be required if the final percentages of ground level glazing, open air spaces, and translucent or transparent materials show a reduction of 5% or greater in relationship those approved under Exhibit A.
- 7. Additional Design Requirements.** As part of final design approval, the following conditions shall be met:
- a. Prior to the issuance of any building permits, Applicant shall show evidence of compliance with the Downtown Design Guide.
 - b. Any vehicular-accessible drop-off area on Figueroa Street shall be subject to the approval of the Director of Planning in consultation with the Department of Transportation.
 - c. A final plan showing all street tree locations shall be submitted to the satisfaction of the Director of Planning. Street trees shall continue along the length of 7th Street, to the extent feasible, including that portion of 7th Street adjacent to the hotel drop off / porte-cochere that currently has no street trees indicated on the plans.
 - d. Final plans shall maintain a suitable depth for the planting of mature trees in the required plaza located approximately at the corner of Figueroa Street and 7th Street.
 - e. A minimum water feature of 500 square feet shall be constructed as part of the public plaza, in conformance with Mitigation Monitoring Condition 10.
 - f. Final design plans for the pedestrian kiosk to be located approximately at the corner of Figueroa Street and 7th Street shall include the maximum feasible amount of glazing, transparency, and pedestrian orientation. The design shall be integrated with the rest of the development and appropriate in scale. Additionally the primary use in the kiosk shall be the Mobility Hub, and a commercial use, if feasible, and it shall be constructed with the first phase of the project, if the project is constructed in phases. In keeping with the requirements of the LADOT Traffic Assessment Letter dated April 20, 2010, if the Mobility Hub is not located in the kiosk, it shall be located in another prominent location with direct pedestrian access and a visual connection to the subway portal.

- g. A minimum of one set of doorways to the office building (Building B) shall front Figueroa Street. A minimum of one set of doorways to the office building (Building B) shall front the plaza area as shown on the approved plans.
- h. A minimum of one set of doorways to the hotel building (Building A) shall front Wilshire Boulevard. A minimum of one set of doorways to the hotel building (Building A) shall front 7th Street as shown on the approved plans.
- i. Air flow from intakes and exhausts shall be directed away from the public realm.
- j. Require the submittal of an expanded exhibit showing conceptual landscape palettes, species, and materials to the satisfaction of the Director of Planning.
- k. Require the submittal of an expanded architectural exhibit, showing conceptual building materials, treatments, and details, to the satisfaction of the Director of Planning.
- l. Require the submittal of an expanded building skin exhibit, showing conceptual placement of louver systems, solar panels, air intakes, etc., including a conceptual differentiation of building skin design on different exposures of the building, to the satisfaction of the Director of Planning.
- m. Locate required bicycle parking adjacent to garages and entrances, to the satisfaction of the Director of Planning.
- n. Provide bicycle lanes around the periphery of the project as feasible, without removing traffic lanes, to the satisfaction of the Department of Transportation.
- o. The Project shall be designed to provide ingress for self-parking for any and all Project components at the 7th Street vehicle entrance. The Project shall implement directional signage within the 7th Street vehicle entrance for such self-parking clearly identifying the self-parking entrance. Such signage shall be easily visible from the public right of way, and the Project shall provide similar signage in the public right of way if required by LADOT.

8. Land Use Equivalency Program.

- a. In no event shall the project exceed any of the following thresholds:
 - i. A combined maximum of 2,397,304 square feet total, subject to required transfers of floor area.
 - ii. A maximum of 1,120 hotel rooms.
 - iii. A maximum of 1,100 dwelling units.
 - iv. A maximum of 1,750,000 square feet of office use.
 - v. A maximum of 50,000 square feet of fitness center / spa use.
 - vi. A maximum of 200,000 square feet of retail use.
 - vii. A maximum of 50,000 square feet of restaurant use.
- b. Subject to the above maximums, any specific combination of the above uses shall be approved provided compliance is shown within the environmental restrictions of the Land Use Equivalency Program (Exhibit D).
- c. Initially the project is approved with the following mix of uses. The Director of Planning may approve modification to this mix of uses upon finding compliance with the Land Use Equivalency Program, using the process outlined in the program:
 - i. 560 hotel rooms.
 - ii. 100 dwelling units.
 - iii. 1,500,000 square feet of office use
 - iv. 275,000 square feet of amenity area, including retail and restaurant uses.

- 9. **Related Subdivision Case** VTT-71141-CN. The applicant or any successor in interest shall comply with all of the Advisory Agency requirements contained in Case No. VTT-70935-CN-GB being processed concurrently with this Zone Change and any subsequent modifications thereto, to the satisfaction of the Director of Planning.

- 10. Pedestrian Access and Circulation.** The plaza and passageway/gallery (as shown in Exhibit A), shall remain open and free to the public during business hours, allowing for access through the site as shown on Exhibit A—Pedestrian Plan. The plaza shall meet Figueroa Street at an elevation not to exceed three feet above sidewalk grade. A direct pedestrian connection from 7th Street to the plaza shall also be maintained. The plaza shall not be gated. Required hotel doors and office doors shall remain open during operating hours of the building. Circulation through or around the plaza shall be open to the public, except for restricted access during occasional private events and reasons of security. Small pedestrian signs indicating public accessibility shall be located at Wilshire Boulevard and 7th Street or Figueroa Street.
- 11. Phasing Plan.** If the project is constructed in phases, the detailed development plans required pursuant to Condition of Approval Number 2, shall reflect interim landscaping (attached as Exhibit C) and interim building elevations. Building façade materials and landscaping design that is in place temporarily or semi-permanently until the second phase of the project is constructed shall be comparable in quality to the remainder of the project and shall include integrated design elements so as to not look unfinished or incongruous, as determined to the satisfaction of the Director of Planning. Two towers are anticipated. In the event the second tower is not in active plan check at the Department of Building and Safety two years after the issuance of the Certificate of Occupancy for the first tower, the footprint area of the unbuilt second tower shall be brought up to grade and landscaped as a plaza area with public access. Such action shall be installed within 10 months of the expiration of the two year period, to the satisfaction of the Director of Planning. Note: the primary public plaza area at the corner of Figueroa Street and 7th Street is to be built in the first phase.
- 12. Shared Parking.** There shall be a combined total of 1900 shared parking spaces at all times for the 2,397,304 square feet of commercial/retail/hotel/residential space for use by patrons, employees, and the general public.
- a. Up to 50% of the parking spaces may be designated for compact cars.
 - b. All of the 1900 shared parking spaces shall be maintained in perpetuity of the use.
 - c. One parking space shall be assigned to each residential unit, and these spaces shall not be shared.
 - d. In the event the Applicant proposes a build-out project that is at least 5% less floor area than that permitted (5% less than 2,397,304 square feet), then the actual amount of shared parking spaces required shall be proportionately reduced based on square footage and building uses as outlined in Section 12.24 X 20 of the Zoning Code.
 - e. In the event the Applicant changes the mix of permitted uses pursuant to the approved Land Use Equivalency Program, a revised shared parking calculation utilizing the shared parking factors proportionally for each use included in the Project shall be prepared to the satisfaction of the Director of Planning.
- 13. Transportation Demand Management Plan.** A Transportation Demand Management (TDM) Plan shall be implemented to the satisfaction of the Department of Transportation. No change in the use of the transportation alternatives identified in the Transportation Demand Management Program may be made until reviewed and approved by the Director of Planning. A copy of the plan shall be provided to the Director of Planning for placement in the subject casefile. An annual review is required as part of the Reduced Parking approval. The Director of Planning will evaluate the Project's compliance with the TDM program and the achievability of forecasted analyses, as well as provide opportunities to implement additional or alternative measures to ensure compliance.

- 14. Heliport Design.** The heliport shall be located on top of Building A, as shown in Exhibit A—Helistop Roof Plan, at a proposed height of 1,090 feet above ground.

 - a. In no event shall the heliport be located at a height less than 817 feet above ground level.
 - b. The Heliport pad shall be architecturally integrated into the design of the building, and incorporated as a design element through architectural detailing, screening, and other features. It shall not be visible from public rights of way within a 500-foot radius of the site.
 - c. Helicopter operations shall be limited to an average of 2 round trips per day and not more than 4 round trips on a single day.

- 15. Heliport Noise Abatement.** The Site operator shall implement the following procedures to reduce noise impacts:

 - a. A “Fly Neighborly” noise abatement technique to reduce noise exposure to the surrounding area, whereby pilots fly helicopters in an appropriate and safe manner using a steeper approach and departure profile when landing and departing from the roof in order to reduce any noise impacts on the ground and adjacent neighbors.
 - b. The primary flight path shall be designed to travel north or south above the Harbor Freeway, and shall avoid flying over residential or other noise sensitive land uses.

- 16. Green Building.** The project shall be built to the United States Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED) Silver level or greater. Sustainable design features may include, but not be limited to: roof- or building-mounted photovoltaic panels; building-integrated photovoltaics; daylighting of work areas; operable windows and fresh air circulation; dual piping to enable the use of recycled water; water efficient fixtures; and recycling during demolition and construction.

- 17. Outdoor Dining.** Final architectural plans shall indicate appropriate buffers and light deflection such as screening, landscaping, walls and canopies, as necessary, to ensure that no noise or lighting disturbance would be created on neighboring properties as a result of outdoor dining located above the ground floor.

- 18. Alcohol Use—Plan Approvals Required.** The applicant or individual operator shall file a plan approval with the Department of City Planning prior to the utilization of any grant made herein pursuant to the sale of alcoholic beverages. Each plan approval shall be accompanied by the payment of appropriate fees, pursuant to Section 19.01 C of the Municipal Code, and must be accepted as complete by the Department of City Planning. Mailing labels shall be provided by the applicant for all abutting property owners. In reviewing the plan approvals for alcohol sales, the Zoning Administrator shall incorporate Conditions 20 through 58 below, and may consider conditions volunteered by the applicant or suggested by the Police Department, but not limited to establishing conditions, as applicable, on the following; maximum seating capacity; valet parking; noise; mode, character and nature of the operation; and age limits.

- 19. Alcohol Use—Additional Corrective Measures.** 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 the Zoning Administrator determines such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

Alcohol Use—On-Site Consumption Permits. Condition Numbers 20 through 41 shall apply to on-site consumption permits.

20. All owners, operators, managers and employees serving and/or selling alcohol to patrons shall enroll in and complete a certified, ABC-recognized, training program for the responsible service of alcohol. This training shall be scheduled for new employees within 30 days of the opening of the establishment or within 30 days after the start of employment, whichever applies. At the option of the Zoning Administrator, this training may be renewed each year by all employees who serve and/or sell alcoholic beverages. A record of the completion of this training program shall be maintained on the premises and shall be presented upon request to the Zoning Administrator.
21. The sale of distilled spirits by the bottle, for on-site consumption, is prohibited. This limitation shall not apply to hotel guest room mini-bars.
22. No employees, while working, shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the premises. No employee, while working, shall be engaged for the specific purpose of sitting with or otherwise spending time with customers while on the premises.
23. No booth or group seating shall be installed that completely prohibits observation of the occupants.
24. A "Designated Driver Program" shall be operated to provide an alternate driver for patrons unable to safely operate a motor vehicle. This program may include, but shall not be limited to, free non-alcoholic drinks for the designated driver of each group of patrons and promotion of the program at each table within the establishment. Each operator shall submit details of the program to the Zoning Administrator for review and approval prior to the opening of any facility offering alcoholic beverages.
25. A sufficient number of security personnel, as determined by the Zoning Administrator (with a minimum of one security officer for each establishment except for hotel guest room mini-bars and limited tastings at boutique shops), under the control of the respective property owners or operators of the establishment, shall be provided. Each security officer shall complete a training program, developed in consultation with the Los Angeles Police Department (LAPD). These security personnel shall monitor and patrol areas where establishments selling alcohol for on-site consumption are located. Security personnel shall be on duty during the hours of operation of the establishments and shall also be on duty thirty minutes prior to opening of the establishment and thirty minutes after closing of the establishment. The security personnel shall also patrol parking areas serving these establishments to prevent any unusual disturbances within the Project site and to assist and report, as necessary, to proper authorities any loitering, trespassing, or other criminal activities in the general vicinity of the Project site. The LAPD shall be notified of special events as far in advance as feasible.
26. The Zoning Administrator shall consult with LAPD for recommendations regarding security measures for adequate protection to visitors and employees of the site, and impose those conditions which he or she deems to be necessary and feasible. The Zoning Administrator shall also notify the LAPD of the identity of each proposed operator of an establishment so that the LAPD can ascertain whether the operator has any prior record of criminal activity.
27. Recommendations of the Fire Department relative to fire safety shall be incorporated into all building plans, to the satisfaction of the Fire Department.

28. The Project shall include appropriate security design features for semi-public and private spaces, which may include, but shall not be limited to: access control to buildings; security parking facilities; walls/fences with key security; lobbies, corridors and elevators equipped with electronic surveillance systems; well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment; and location of toilet facilities or building entrances in high foot traffic areas.
29. The Applicant shall provide Project plans to the LAPD prior to finalization, to allow time to review the plans regarding additional crime prevention features appropriate to the design of the Project.
30. Establishments may serve alcohol 10:00 a.m. – 2:00 a.m., 7 days per week. Mini-bars located within hotel guest rooms and room service shall not be limited in the hours of alcohol service.
31. All graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.
32. A copy of these conditions shall be retained at all times on the premises in each establishment which serves alcoholic beverages (retained centrally for hotel guest rooms with mini-bars) and shall be produced immediately upon the request of the Zoning Administrator or the LAPD.
33. Within 60 days after the issuance of the Certificate of Occupancy for an establishment, the Applicant shall execute a covenant acknowledging and agreeing to comply with these conditions and record the agreement in the County Recorder's Office. This agreement shall run with the land and be binding on any subsequent owners, heirs or assigns. The Applicant shall submit this agreement to the Zoning Administrator for approval before being recorded. After recordation, the Applicant shall provide a copy bearing the Recorder's number and date to the Zoning Administrator.
34. The Applicant shall ensure that no alcoholic beverages which are purchased within the Applicant's establishment are consumed on any property adjacent to the licensed premises that is under the control of the Applicant.
35. The Applicant shall be responsible for maintaining free of litter the area adjacent to the establishment that is under the control of the Applicant.
36. All public telephones shall be located within the interior of the establishment structure. No public phones shall be located immediately adjacent to the exterior of the premises under the control of the establishment.
37. The Applicant shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.
38. **Restaurants/Cafes.** The following conditions shall apply to restaurants/cafes:
 - a. These establishments may include a bar or cocktail lounge area, which is separate from the main food service area of the establishment.
 - b. Sales of alcoholic beverages shall only be made from behind a counter where an employee of the restaurant/café obtains the product. No self-service of alcoholic beverages shall be permitted.

- c. Sales of alcoholic beverages for consumption off the premises shall be prohibited, unless approved by the Zoning Administrator as part of an onsite/offsite conditional use permit as limited by these conditions, and in such instances shall be limited to beer and wine only.
- d. Sales of alcoholic beverages from drive-up or walk-up windows is prohibited.
- e. Gross annual sales of alcoholic beverages shall not exceed 40% of the total gross annual restaurant sales.
- f. Entertainment activities, such as live or recorded music, may be permitted so long as no less than 70% of the restaurant floor area is dedicated to food preparation, food service and eating areas.
- g. No more than two pool tables are permitted for each restaurant.
- h. There shall be a full-service kitchen and a full menu.

39. Nightclubs/Cocktail Lounges. The following conditions shall apply to nightclubs and cocktail lounges:

- a. Persons under 21 years of age shall not be permitted within any nightclub, cocktail lounge or bar when alcohol is being served. Signage shall be prominently posted on the exterior of the establishment, stating this age restriction.
- b. The hotel shall be limited to a maximum of one nightclub/cocktail lounge.
- c. Within one year from the date an occupancy permit is issued for a nightclub or cocktail lounge, the Applicant shall file an application with the Zoning Administrator's office for a review of the operations of the establishment. In addition, the Applicant shall file an application with the Zoning Administrator's Office for review of the operations of the establishment every two years thereafter, unless the Zoning Administrator determines that the two-year reviews are no longer necessary. The Zoning Administrator shall review the operations of the establishment, to verify it is in compliance with all conditions of approval. The Zoning Administrator may impose any modification to the conditions of approval, as necessary. If the Zoning Administrator deems it necessary or if there has not been compliance with the conditions imposed on the operation of the establishment, the Zoning Administrator may require a public hearing for this one-year review.

40. Sales of alcohol for off-site consumption shall be prohibited, unless approved by the Zoning Administrator as part of an onsite/offsite approval associated with this conditional use permit as indicated in these conditions, and in such instances shall be limited to beer and wine only. No sales of alcohol for off-site consumption shall be permitted in nightclubs, cocktail lounges and bars under any circumstance.

41. Establishments for the sale of on-site consumption of alcohol shall be limited to:

- a. Hotel:
 - i. Two (2) restaurants. Of the two (2) restaurants, one (1) shall also be eligible for off/site consumption of beer and wine only, as conditioned by the Zoning Administrator.
 - ii. One (1) nightclub/cocktail lounge.
 - iii. One (1) pool area bar service.
 - iv. One (1) catering service.
 - v. Mini-bars (one per hotel guest room).
 - vi. One (1) portable bar.
- b. Non-Hotel:

- i. Six (6) restaurants. Of the six (6) restaurants, (1) one shall also be eligible for off-site sales/consumption of beer and wine only.
 - ii. One (1) nightclub/cocktail lounge.
 - iii. One (1) rooftop bar.
 - iv. One (1) catering service.
- c. Additional note: In addition to the uses outlined above, a maximum of two (2) grocery stores or specialty gourmet shops approved for off-site sales shall also be eligible for on-site wine tasting or similar uses, as conditioned by the Zoning Administrator.

Alcohol Use—Off-Site Consumption Permits Condition Numbers 42 through 58 shall apply to off-site consumption permits.

- 42.** All owners, operators, managers and employees serving and/or selling alcohol to patrons shall enroll in and complete a certified, ABC-recognized, training program for the responsible service of alcohol. This training shall be scheduled for new employees within 30 days of the opening of the establishment or within 30 days after the start of employment, whichever applies. At the option of the Zoning Administrator, this training may be renewed each year by all employees who serve and/or sell alcoholic beverages. A record of the completion of this training program shall be maintained on the premises and shall be presented upon request to the Zoning Administrator.
- 43.** Establishments for off-site consumption shall be permitted for:
- a. One (1) hotel and one (1) non-hotel boutique shop.
 - b. Three (3) grocery stores. Of the three (3) grocery stores, two (2) shall also be eligible for limited on-site sales/consumption for wine tastings or similar uses.
 - c. Additional Note: In addition to the uses outlined above, a maximum of one (1) hotel on-site restaurant use and one (1) non-hotel on-site restaurant use approved for on-site sales shall also be eligible for limited off-site sales of beer and wine only, as conditioned by the Zoning Administrator.
- 44.** No employees, while working, shall solicit or accept any alcoholic beverage from any customer while on the premises.
- 45.** A sufficient number of security personnel, as determined by the Zoning Administrator (with a minimum of one security officer for each establishment), under the control of the respective property owners or operators of the establishment, shall be provided. Each security officer shall complete a training program, developed in consultation with the Los Angeles Police Department (LAPD). These security personnel shall monitor and patrol areas where establishments selling alcohol for off-site consumption are located. Security personnel shall be on duty during the hours of operation of the establishments and shall also be on duty thirty minutes prior to opening of the establishment and thirty minutes after closing of the establishment. The security personnel shall also patrol parking areas serving these establishments to prevent any unusual disturbances within the Project site and to assist and report, as necessary, to proper authorities any loitering, trespassing, or other criminal activities in the general vicinity of the Project site. The LAPD shall be notified of special events as far in advance as feasible.
- 46.** The Zoning Administrator, or his/her designee, shall consult with LAPD for recommendations regarding security measures for adequate protection to visitors and employees of the site, and impose those conditions which he or she deems to be necessary and feasible. The Zoning Administrator shall also notify the LAPD of the

identity of each proposed operator of an establishment so that the LAPD can ascertain whether the operator has any prior record of criminal activity.

47. The Project shall include appropriate security design features for semi-public and private spaces, which may include, but shall not be limited to: access control to buildings; security parking facilities; walls/fences with key security; lobbies, corridors and elevators equipped with electronic surveillance systems; well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment; and location of toilet facilities or building entrances in high foot traffic areas.
48. The Applicant shall provide Project plans to the LAPD prior to finalization, to allow time to review the plans regarding additional crime prevention features appropriate to the design of the Project.
49. A copy of these conditions shall be retained at all times on the premises in each establishment which sells alcoholic beverages and shall be produced immediately upon the request of the Zoning Administrator or the LAPD.
50. Within 60 days after the issuance of the Certificate of Occupancy for an establishment, the Applicant shall execute a covenant acknowledging and agreeing to comply with all these conditions and shall record the agreement in the County Recorder's Office. This agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, the Applicant shall provide a copy bearing the Recorder's number and date to the Zoning Administrator.
51. Sales of alcoholic beverages from drive-up or walk-up windows is prohibited.
52. The Applicant shall ensure that no alcoholic beverages which are purchased within the Applicant's establishment are consumed on any property adjacent to the licensed premises that is under the control of the Applicant.
53. The Applicant shall be responsible for maintaining free of litter the area adjacent to the establishment that is under the control of the Applicant.
54. All public telephones shall be located within the interior of the establishment structure. No public phones shall be located immediately adjacent to the exterior of the premises under the control of the establishment.
55. All graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.
56. The Applicant shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.
57. **Sundry Stores/Grocery Stores.** The following conditions shall apply to Sundry Stores and Grocery Stores.
 - a. The sales of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. and 12:00 midnight, seven days a week.
 - b. No wine shall be sold with an alcoholic content of greater than 15% by volume, except for "dinner wines" which have been aged two years or more and which are maintained in corked bottles.

- c. The sale of beer or malt beverages in individual containers of one quart, 22 ounces or 32 ounces is prohibited. No beer or malt beverages may be sold in quantities of less than six containers per sale.
 - d. Beer, malt beverages and wine coolers in individual containers of 16 ounces or less is prohibited. These individual containers that are 16 ounces or less must be sold in manufacturer's pre-packaged, multi-unit quantities.
 - e. Wine and distilled spirits shall not be sold in bottles or containers smaller than 750 milliliters. Beer coolers, wine coolers or pre-mixed distilled spirit cocktails must be sold in manufacturer's pre-packaged, multi-unit quantities.
- 58.** On-site consumption of alcoholic beverages may be permitted as conditioned by the Zoning Administrator or designee when provided in conjunction with a specialty gourmet store (e.g., wine tasting), grocery store or restaurant pursuant to Condition 43.

Wireless Telecommunication Conditions

- 59.** The Applicant or individual operator shall file a Plan Approval with the Department of City Planning prior to the utilization of any grant made herein pursuant to wireless facilities. Each plan approval shall be accompanied by the payment of appropriate fees, pursuant to Section 19.01 C of the Municipal Code, and must be accepted as complete by the Department of City Planning. Mailing labels shall be provided by the applicant for all abutting property owners. Plan approvals for wireless telecommunication facilities shall be subject to a public hearing if determined necessary on a case by case basis by the Zoning Administrator. In reviewing the plan approval for such facilities, the Zoning Administrator shall consider but not be limited to the following: location, screening, color, height 10 feet above the roof line, and other land use aesthetic impacts.
- 60.** All other use, height and area regulations of the Municipal Code and all other applicable governmental regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
- 61.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Department's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 62.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- 63.** The installation, construction, operation and maintenance of a maximum of ten (10) unmanned wireless telecommunications facilities including satellite and/or microwave dishes approximately 9 feet in diameter in addition to antennas and cellular facilities located on the rooftop of Building A, Building B, or the podium (as shown in Exhibit A—Wireless Telecommunication Facilities) are subject to the following conditions:
- a. Facilities shall be set back from the edge of the rooftops and when visible from buildings on-site and adjacent, they shall be surrounded by screening designed to match the building in color and texture such as parapet structures and enclosed equipment cabinets.
 - b. Where the rooftops of Buildings A and B contain amenity uses open to the public and a helistop (Building A), additional appropriate screening and/or landscaping shall be provided, so that the Wireless Telecommunication Facilities are concealed as visible from a close distance.

- c. Dish antennas shall not be light reflective or have any sign copy on them nor shall they be illuminated, unless required by the FAA.
 - d. Landscaping positioned on the premises to screen antennas from adjacent properties may be proposed in lieu of, or in combination with architectural screening.
 - e. Exterior equipment buildings constructed on premises shall be architecturally similar to the existing building or otherwise architecturally integrated.
 - f. Antennas clustered at the same site shall be of the same general height and facilities of the same design.
 - g. Ground mounted monopoles are not permitted.
- 64.** If it is determined that additional height is necessary to support co-location, the Zoning Administrator would be authorized to consider reasonable modifications to pole height, and the co-location of additional equipment within the 15 feet extension limit pursuant to LAMC Section 12.24 W.49.
- 65.** All new utility lines that directly service the site shall be installed underground.
- 66.** The electronic equipment shall be installed and constructed with valid City of Los Angeles building permit(s).
- 67.** All applicable laws, regulations, and standards of all local, state, and federal government agencies shall be observed.
- 68.** The facility shall not interfere with TV, radio, or cordless phone reception or exceed Radio Frequency (RF) limits established by the Federal Communications Commission (FCC). Within 60 days after installation, a copy of the RF Certification Form, showing actual RD emissions shall be transmitted to the Department of City Planning for placement in the case file.
- 69.** Should use of the granted right cease more than 90 days, the antennas and equipment shall be removed to the satisfaction of the Department of Building and Safety.
- 70.** Prior to issuance of any permits relative to this matter, 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 for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This agreement with the Conditions of Approval attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.

Environmental Conditions

- 71.** The Applicant shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the Applicant to identify mitigation monitors who shall provide periodic status reports on the implementation of applicable mitigation items required by Mitigation Conditions of the Project's approval satisfactory to the Department of City Planning. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the below mentioned mitigation items.

72. The Applicant shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the Applicant and all successors to the following:

- NOTE: MM-1, 41-45, 54-65: These sign mitigations have been included in the attached ordinance (Exhibit F) as part of conditions for approval for any future sign request made under the proposed Signage Supplemental Use District.
- MM-2 Building coverage of the site between the heights of zero feet and 170 feet shall be no more than 85 percent of the site area. The plaza shall be included in the area not considered building coverage.
- MM-3 Building coverage above a height of 170 feet shall be no more than 55 percent of the site area.
- MM-4 Building separation above a height of 170 feet shall be a minimum of 40 feet if buildings are generally separated in a diagonal manner.
- MM-5 Building separation above a height of 170 feet shall be a minimum of 80 feet for buildings whose parallel facades face directly into one another.
- MM-6 No building shall have a footprint of greater than 30,000 square feet if above a height of 170 feet.
- MM-7 The outdoor plaza shall be no smaller than one-quarter acre and shall be generally oriented toward the intersection of Figueroa Street and 7th Street.
- MM-8 There shall be, at a minimum, one pedestrian connection from Figueroa Street and 7th Street to the outdoor plaza.
- MM-9 Within the outdoor plaza, at least 30 percent of the area shall be landscaped or included in a water feature, as distinct from hardscape area.
- MM-10 Within the outdoor plaza, the water feature shall be a minimum size of 500 square feet.
- MM-11 On each of the four frontages of the property, the following minimum proportions of the building façades, from sidewalk grade to twenty feet above, shall be transparent (i.e., openings or glass) rather than opaque:
1. Figueroa Street 50 percent
 2. 7th Street 50 percent
 3. Wilshire Boulevard 50 percent
 4. Francisco Street 25 percent
- MM-12 There shall be at least one building constructed above a height of 170 feet on the site.
- MM-13 No building above a height of 170 feet shall have any façade longer than 300 feet in length.

- MM-14 Access points and site circulation shall be maintained in general conformance with the Conceptual Plan (Exhibit A) for the Project.
- MM-15 As part of the regional bus transit system improvements, the Applicant or its successor shall provide a fixed fee contribution of \$650,000 to Los Angeles Department of Transportation (LADOT) for the purchase of one additional Downtown Area Shuttle (DASH) hybrid bus to be operated and maintained by LADOT. The additional bus shall have a seated capacity of 25 and a standing capacity of 30 to supplement the bus service along this route.
- MM-16 As part of the Project's transit system connectivity improvements, the Applicant or its successor shall provide a financial contribution of \$500,000 to the "First Mile Last Mile Connectivity" demonstration program. As part of the demonstration program, the Project shall reserve 300 square feet of rent-free space on the Project Site to implement a new integrated mobility hub open to the public and reserve up to 10 parking spaces for the electric vehicles in the Project's subterranean parking garage in order to improve the connectivity for patrons of the transit service at the 7th Street/Metro Center station. The rent-free space and the parking spaces shall be provided for up to a total of three years.
- MM-17 As part of the Project's transportation improvement program, the Applicant or its successor shall provide a financial contribution of \$925,000 towards the Express Park project.
- MM-18 As part of the Project's bicycle, pedestrian, and vehicle safety improvements, the Applicant or its successor shall design and construct all sidewalks and pedestrian access ways to allow for easy pedestrian flow. Caution signs for bicyclists, pedestrians, and drivers shall be installed near driveways and access points.
- MM-19 As part of the Project's freeway segment improvements, the Applicant or its successor shall provide a fixed fee financial contribution to California Department of Transportation (Caltrans) in the amount of \$1,950,100 toward the proposed improvement to the Caltrans improvement project. In consultation with Caltrans, the fixed fee contribution was determined by applying Caltrans fair share calculations generally used to calculate mitigation measures.
- MM-20 Prior to issuance of a Certificate of Occupancy, the Applicant or its successor shall prepare and implement a Transportation Demand Management (TDM) program to the satisfaction of LADOT to reduce traffic impacts of the Project encouraging Project employees, residents, and patrons to reduce vehicular traffic on the street and freeway system during the most congested time periods of the day and reduce parking demand so that the parking supply is sufficient. The TDM program may include implementation of several TDM strategies including, but not limited to, the following:
- Flexible work schedules and telecommuting programs
 - Alternative work schedules
 - Pedestrian-friendly environment
 - Bicycle amenities (bicycle racks, lockers, showers etc.)
 - Rideshare/carpool/vanpool promotion and support
 - Education and information on alternative transportation modes

- Transportation Information Center
- Guaranteed Ride Home program
- Transportation Management Coordination Program
- Discounted employee/resident transit passes
- Parking strategies such as unbundled parking and parking cash-out

MM-21 The Applicant or its successor shall install or shall pay LADOT a fixed fee amount of up to \$925,000 to provide for design and installation of signal control upgrades, closed circuit television cameras, and system loops. These improvements are part of the total TSM package that would be implemented either by the Applicant through the B permit process of City of Los Angeles Bureau of Engineering, or through payment of the \$925,000 fixed fee amount to LADOT to fund the cost of these upgrades. If LADOT selects the payment option, then the Applicant or its successor would be required to pay up to \$925,000, and LADOT shall design and construct the upgrades.

Prior to issuance of a Certificate of Occupancy, the Applicant or its successor shall upgrade the signal controllers to Type 2070 at the following locations:

- Intersection 2. Hope Street/Hollywood Freeway southbound ramps and Temple Street
- Intersection 4. Flower Street and 3rd Street
- Intersection 12. Francisco Street and Wilshire Blvd
- Intersection 14. Flower Street and Wilshire Boulevard
- Intersection 17. Bixel Street and 7th Street
- Intersection 18. Francisco Street and 7th Street
- Intersection 19. Figueroa Street and 7th Street
- Intersection 20. Flower Street and 7th Street
- Intersection 24. Bixel Street/Harbor Freeway southbound on-ramp and 8th Street
- Intersection 25. Figueroa Street and 8th Street
- Intersection 26. Flower Street and 8th Street
- Intersection 27. Francisco Street and James M. Wood Boulevard/Harbor Freeway northbound off-ramp
- Intersection 29. Cherry Street and Pico Boulevard
- Intersection 31. Hoover Street and Alvarado Street/Alvarado Terrace
- Intersection 35. Hope Street and 7th Street

The signal controller upgrades are part of the total TSM improvement package.

Prior to the issuance of the Certificate of Occupancy, at the recommendation by LADOT, the Applicant or its successor shall fund the installation of CCTV cameras and the necessary infrastructure (including fiber optic and interconnect tubes) at the following locations:

- Intersection 14: Flower Street & Wilshire Boulevard
- Grand Avenue and Olympic Boulevard
- On top of Building A (southwest corner of intersection 13: Figueroa Street & Wilshire Boulevard)
- On top of Building B (northeast corner of intersection 18: Francisco Street & 7th Street)

The CCTV cameras are part of the total TSM improvement package.

Prior to the issuance of the Certificate of Occupancy, the Applicant or its successor shall fund the installation of system loops on the primary street at the following location:

- Intersection 42. Lucas Avenue and Wilshire Boulevard

The system loop is part of the total TSM improvement package.

MM-22 Prior to issuance of the Certificate of Occupancy, the Applicant or its successor shall make a fair-share contribution to Caltrans toward the improvement of the northbound Hollywood Freeway off-ramp at Grand Avenue. The Project's fair share contribution to this off ramp improvement is included in the fixed-fee contribution that the Project has agreed to make towards the cost of the Caltrans improvement projects.

MM-23 (Construction-Related Street Use) Prior to the issuance of the building permits, the Applicant or its successor shall prepare detailed construction traffic control plans, including street closure information, detour plans, haul routes, hours of operation, protective devices, and staging plans satisfactory to the affected jurisdictions, which shall be submitted to LADOT for its approval. The construction traffic control plans shall be based on the nature and timing of the specific construction and other projects in the vicinity of the Project Site, and shall include the following elements as appropriate:

1. Provisions to configure construction parking to minimize traffic interference;
2. Provisions for temporary traffic control during all phases of construction activities to improve traffic flow on public roadways (e.g., flag person);
3. Scheduling construction activities to reduce the effect on traffic flow on arterial streets;
4. Rerouting construction trucks to reduce travel on congested streets;
5. Provision of dedicated turn lanes for movement of construction trucks and equipment on- and off-site in accordance with the construction traffic management plans approved by LADOT;
6. Construction-related vehicles shall not park on streets in predominantly residentially-zoned areas;
7. Provision of safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
8. Contractors shall be required to participate in a common carpool registry during all periods of contract performance monitored and maintained by the general contractor;
9. Schedule construction-related deliveries, other than concrete and earthwork-related deliveries, to reduce travel during peak travel periods as identified in this study;
10. Obtain the required permits for truck haul routes from the City prior to the issuance of any permit for the Project;
11. Obtain a Caltrans transportation permit for use of oversized transport vehicles on Caltrans facilities;
12. Submit a traffic management plan to Caltrans;
13. With the exception of rare occasions where continuous concrete pour is required, construction activities shall be limited to Monday through

Friday from 7:00 a.m. to 9:00 p.m. and from 8:00 a.m. to 6:00 p.m. on Saturdays. No construction activities shall occur on Sundays or any federal holidays; and

14. Provide a posted sign on the Project Site with hotline information for adjacent property owners to call and address specific issues or activities that may be causing problems at on-and-off-site locations.

If the Project is constructed in phases, the foregoing transportation-related project design features and mitigation measures may be implemented in phases to correspond to such phased construction. Such phased implementation of the project design features and mitigation measures will be determined and monitored by the Enforcement Agency and the Monitoring Agency.

- MM-24 Project construction shall not include the use of pile driving, to reduce construction noise and vibration impacts.
- MM-25 A temporary six-foot-tall noise barrier wall shall be installed at the construction area along Francisco Street where construction trucks are lining up prior to entering the Project's construction site. The barrier shall be placed on the top of the two-foot-tall K- rail that shall increase the effective height of the noise barrier to eight feet.
- MM-26 During operation, all mechanical equipment shall be enclosed and designed to meet the requirements of LAMC, Chapter XI, Section 112.02. The building mechanical/electrical equipment shall be designed not to exceed 63 dBA Leq (or 70 dBA CNEL) noise level at the Project Site property line. The building mechanical design shall be reviewed by a qualified acoustical consultant to ensure that the design shall meet the Project noise criteria.
- MM-27 The sound output of the proposed outdoor amplified sound systems for the outdoor pool and bar areas would be limited to a maximum sound level of 80 dBA Leq as calculated in Section 5.4.1.4. The design of the outdoor amplified sound systems shall be reviewed by a qualified acoustical consultant to ensure that the design would meet the Project noise criteria.
- MM-28 The sound output of the proposed outdoor amplified sound systems for the outdoor plaza would be limited to a maximum sound level of 70 dBA (Leq) at 50 feet as calculated in Section 5.4.1.4. The design of the outdoor amplified sound systems shall be reviewed by a qualified acoustical consultant to ensure that the design would meet the Project noise criteria.
- MM-29 The podium and rooftop parapets for areas that include an outdoor amplified sound system shall be of solid panel construction to provide sound attenuation.
- MM-30 If the proposed loading docks and trash/recycling areas would be located outside of the enclosed parking structure, all outdoor loading dock and trash/recycling areas shall be fully or partially enclosed such that the line-of-sight between these noise sources and any adjacent noise sensitive receptor shall be obstructed.

- MM-31 Building construction (i.e., exterior wall, window and door) shall provide adequate sound insulation to meet the acceptable interior noise level of 45 dBA CNEL, as required by Title 24 of the California Code of Regulations.
- MM-32 Unless required for safety precautions, the Project's related helicopters shall use the recommended flight paths as shown in Figure IV.C-2 of the Draft EIR.
- MM-33 With the exception of required continuous concrete pours, construction activities shall be limited to Monday through Friday from 7:00 A.M. to 9:00 P.M., and from 8:00 A.M. to 6:00 P.M. on Saturdays. No construction activities shall occur on Sundays or national holidays.
- MM-34 Power construction equipment shall be equipped with state-of-the-art noise shielding and muffling devices. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
- MM-35 Stationary source construction equipment that may have a flexible specific location on-site (e.g., generators and compressors) shall be located so as to maintain the greatest distance from sensitive land uses and unnecessary idling of equipment shall be prohibited.
- MM-36 To ensure that construction phase vibration impacts are less than significant, the Applicant or its successor shall comply with the specific requirements of the Metro construction design manual (MTA Design Criteria and Standard, Volume III, Adjacent Construction Design Manual, Section 2.3 – 2.4, R92-DE303-3.00, Revision 9: 02.02.99), when excavation is within 25 feet of the Metro subway tunnel.
- MM-37 The Applicant shall implement the following requirements during construction activities in connection with the on-site building demolitions:
- a. Construction materials/debris in excess of 2,000 pounds shall be lowered via a crane.
 - b. Construction materials/debris drop shall be performed in accordance with Table IV.C-15, with the consideration given to the estimated drop weight and height, as required to maintain a maximum of 0.5 inch per second (PPV) at off-site receptors R0, R1, and R3 and a maximum of 0.25 inch per second (PPV) at off-site receptor R2.
- MM-38 All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.
- MM-39 Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to LAMC Section 91.8104.

- MM-40 The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to LAMC Section 91.8104.15.
- NOTE: Numbering not sequential here. MM-1, 41-45, and 54-65 are sign mitigations that are included in the attached ordinance (Exhibit F) as part of conditions for approval for any future sign request made under the proposed Signage Supplemental Use District.
- MM-46 All lighting related to construction activities shall be shielded or directed to restrict any direct illumination onto property located outside of the Project Site boundaries that is improved with light-sensitive uses.
- MM-47 (Duplicate Measure) ~~With the exception of rare occasions where continuous concrete pour is required, construction activities shall be limited to Monday through Friday from 7:00 a.m. to 9:00 p.m. and from 8:00 a.m. to 6:00 p.m. on Saturdays. No construction activities shall occur on Sundays or any federal holidays.~~
- MM-48 Exterior lighting included within the Project shall incorporate fixtures and light sources that focus light on-site to minimize light trespass.
- MM-49 Project lighting shall comply with LAMC Section 93.0117. As such, Project lighting shall not cause more than two footcandles of lighting intensity or direct glare from the light source at any residential property. This project design feature would preclude exceedance of the significance threshold listed previously regarding lighting sources that generate light intensity levels of 2.0 footcandles or more at the property line of a residential use.
- MM-50 All buildings, parking structures, and signage within the Project Site shall be prohibited from the using highly reflective building materials such as mirrored glass in exterior façades. Examples of commonly used non-reflective building materials include cement, plaster, concrete, metal, and non-mirrored glass, and would likely include additional materials as technology advances in the future.
- MM-51 Project buildings shall not include large areas of reflective surfaces that could reflect light from signage into surrounding areas. No high brightness special effects lighting with brightness levels that shall exceed the lighting levels of permitted signage shall be associated with the Project. On-site buildings, signage or thematic elements shall not incorporate reflective building materials or provide a source of auto headlight-related glare in proximity to glare sensitive uses.
- MM-52 Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential uses.
- MM-53 The exterior of the proposed building shall be constructed of materials such as high-performance tinted non-reflective glass and pre-cast concrete or fabricated wall surfaces.
- NOTE: Numbering not sequential here. MM-1, 41-45, and 54-65 are sign mitigations that are included in the attached ordinance (Exhibit F) as part of conditions

for approval for any future sign request made under the proposed Signage Supplemental Use District.

- MM-66 The Project shall be constructed in accordance with the Building Code including all provisions related to seismic safety.
- MM-67 The Project shall comply with all construction site runoff control and implement "Best Management Practices" under applicable state and local requirements, as discussed further in Section IV.L.2 (Water Quality) of the Draft EIR.
- MM-68 Prior to the issuance of building or grading permits, a site-specific geotechnical report shall be prepared by a registered civil engineer and certified engineering geologist in accordance with and to the satisfaction of Building and Safety. Construction of the Project shall be performed according to the recommendations identified in the site-specific geotechnical report. The site-specific geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design considerations. Building design considerations shall include, but are not limited to: soil stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements and slope stability or any combination of temporary stability measures.
- MM-69 Since the Project Site is adjacent to the 7th Street/Metro Center station subway tunnel on 7th Street, the Project shall comply with the MTA Design Criteria and Standards, Volume III, Adjacent Construction Design Manual, dated March 3, 1999 as well as the Building Code to design appropriate measures to avoid surcharge loads.
- MM-70 If a geothermal system such as a closed-loop ground source heat pump is proposed to be installed at the Project Site, the plastic tubing of the geothermal heat pump shall be placed underneath the foundation of the garage.
- MM-71 A subdrain system, directed to the Project Site's storm drains, shall be installed beneath the lower floor of the building and behind retaining walls and walls below grade to prevent the development of hydrostatic pressures on the floors and walls.
- MM-72 If bio-filtration systems are proposed to be installed within the landscaped areas, biofiltration system shall be limited to five feet in depth underlain by an underdrain system with a geotextile fabric. The underdrain system shall be connected to the Project Site's storm drains.
- MM-73 The Project shall comply with SCAQMD Rule 403 regarding fugitive dust. Examples of the types of dust control measures currently required and recommended include, but are not limited to, the following:
- Water active grading/excavation sites and unpaved surfaces at least three times daily.
 - Sweep daily (with water sweepers) all paved construction parking areas and staging areas.

- Provide daily clean-up of mud and dirt carried onto paved streets from the site.
 - Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
 - Suspend excavation and grading activity when winds (instantaneous gusts) exceed 15 miles per hour over a 30-minute period or more.
 - An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt.
- MM-74 The Project shall use off-road equipment that meets Tier 2 emission standards, which will decrease PM and NOx emissions.
- MM-75 The required application of architectural coatings for the proposed Project during construction will have a VOC rating of 125 grams per liter or less.
- MM-76 Based on the VOC rating of the architectural coatings used for the proposed Project during construction, a maximum amount of 60 pounds of VOC emissions are allowed to be emitted daily. For example, the use of any architectural coatings with a VOC rating of 125 grams per liter shall not exceed approximately 58 gallons per day, while the use of any architectural coatings with a VOC rating of 50 grams per liter shall not exceed approximately 144 gallons per day.
- MM-77 Wood burning fireplaces and stoves shall be prohibited within the Project.
- MM-78 The Applicant or its successor shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project Site throughout the construction of the Project. The Applicant or its successor shall include in the construction contract documents the air quality control measures required by the SCAQMD. Examples of the types of measures currently required and recommended by SCAQMD include the following:
- Keep all construction equipment in proper tune in accordance with manufacturer's specifications.
 - Use the most current grade of low-emission diesel fuel approved by CARB and available in the South Coast Air Basin for all heavy-duty diesel-powered equipment operating and refueling at the Project Site.
 - Limit truck and equipment idling time to five minutes or less, when equipment is not in active use, as required by CARB.
 - Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines wherever possible.
- MM-79 If human remains or other archaeological resources are discovered at the Project Site during construction, work in that area of the construction site where the remains have been uncovered shall be suspended, and the City Public Works Department and County Coroner shall be immediately notified. If the remains are determined by the County Coroner to be Native American,

NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

- MM-80 A covenant and agreement shall be recorded prior to obtaining a grading permit stating that if any archaeological materials are encountered during the course of Project development, construction in that area of the construction site shall be halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology at the California State University, Fullerton, a member of the Society of Professional Archaeologists (SOPA), or a SOPA-qualified archaeologist to assess the resources, evaluate the potential impact (if any), and prescribe an appropriate method for preserving the resource either by removing the resource from where it is found or by documenting the resource before construction may again commence. Copies of the archaeological survey, study, or report shall be submitted to the South Central Coastal Information Center (SCCIC), located at the Department of Anthropology at the California State University, Fullerton.
- MM-81 The Project's construction superintendent shall be instructed by an archaeologist or other qualified archaeological monitor regarding identification of conditions whereby potential archaeological resources could occur. The construction superintendent shall be sufficiently informed that he or she will be able to recognize when archaeological resources have been uncovered and require that grading be temporarily diverted around the resources site until the archaeological monitor has evaluated and, if warranted, recovered the resources. Other contractor personnel shall be briefed by the superintendent or other trained personnel on procedures to be followed in the event that archaeological resources or a previously unrecorded resource are encountered by earth-moving activities. The briefing shall be presented to new contractor personnel as necessary. The name and telephone number of the archaeological monitor shall be provided to appropriate contractor personnel. Similarly, and if necessary, the monitor shall be empowered to temporarily divert grading around an exposed fossil specimen to facilitate evaluation and, if warranted, recovery.
- MM-82 If any paleontological materials are encountered during the course of the earth-moving activities, the Project shall be halted or the work shall be diverted to avoid the potential paleontological resources in order to allow the resources and their significance to be assessed. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology at the University of Southern California, University of California, Los Angeles, California State University, Los Angeles, California State University, Long Beach, or the Los Angeles County Natural History Museum to assess the resources and evaluate the impact. Copies of the paleontological survey, study, or report shall be submitted to the Los Angeles County Natural History Museum. If paleontological resources are identified and determined to be significant, the paleontologist shall formulate a mitigation plan to mitigate impacts, which may include removing and preserving the paleontological resources in an appropriate manner. A covenant and agreement shall be recorded prior to obtaining a grading permit.
- MM-83 The Project's construction superintendent shall be instructed by a paleontologist or other qualified paleontological monitor regarding

identification of conditions whereby potential paleontological resources could occur. The construction superintendent shall be sufficiently informed that he or she will be able to recognize when paleontological resources have been uncovered and require that grading be temporarily diverted around the resource site until the monitor has evaluated and, if warranted, recovered the resources. Other contractor personnel shall be briefed by the superintendent or other trained personnel on procedures to be followed in the event that paleontological resources or a previously unrecorded resource are encountered by earth-moving activities. The briefing shall be presented to new contractor personnel as necessary. The name and telephone number of the paleontological monitor shall be provided to appropriate contractor personnel. Similarly, and if necessary, the monitor shall be empowered to temporarily divert grading around an exposed fossil specimen to facilitate evaluation and, if warranted, recovery.

- MM-84 All significant fossil specimens recovered at the Project Site as a result of the mitigation program shall be prepared, identified, curated, and catalogued in accordance with designated museum repository requirements.
- MM-85 Maintenance of mechanical equipment in good operating condition with fully functional spark arresters shall be assured at all times.
- MM-86 During construction, the careful storage of flammable materials in appropriate containers and the immediate and complete cleanup of spills of flammable materials when they occur shall be ensured.
- MM-87 The Project shall provide adequate off-site public and on-site private fire hydrants and shall submit plot plans for Los Angeles Fire Department (LAFD) approval of access and fire hydrants.
- MM-88 During demolition and construction, LAFD access from major roadways and internal roadways shall remain clear and unobstructed.
- MM-89 The Applicant or its successor shall submit a plot plan to the LAFD prior to occupancy of the Project for review and approval that shall provide the capacity of the fire mains serving the Project Site and projected demands. Any required upgrades shall be identified and implemented prior to occupancy of the Project.
- MM-90 The design of the Project Site shall provide adequate access for LAFD equipment and personnel to the structure.
- MM-91 No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit.
- MM-92 The Applicant or its successor shall submit plot plans for LAFD approval of access and fire hydrants.
- MM-93 The Project shall provide adequate off-site public and on-site private fire hydrants.

- MM-94 The Applicant or its successor shall install an automatic sprinkler system in accordance with Fire Code Section 57.118.11 and in conformance with LAFD Standard No. 59.
- MM-95 Fire Code requirements that shall be implemented as part of the Project include compliance with all applicable state and local codes and ordinances, fire lane design (including width and clearances), fire hydrant locations, fire hydrant flow rates, access roads, turning areas, distances from street or fire lane to condominiums and hotels, requirements for accommodating LAFD equipment, and load bearing requirements for fire access areas to accommodate LAFD equipment.
- MM-96 The Applicant or its successor shall take precautions to prevent trespassing through construction sites.
- MM-97 Temporary fencing shall be installed around the construction site.
- MM-98 The Applicant or its successor shall deploy roving security guards on-site as another effective strategy in preventing problems from occurring.
- MM-99 The Applicant or its successor shall employ construction security features, such as fencing, that would serve to minimize the need for Los Angeles Police Department (LAPD) services.
- MM-100 The Project design shall address access control to proposed structures including parking areas, proposed security lighting, landscaping planning, and minimization of dead space to eliminate areas of concealment, and provision of security patrol throughout the Project Site, if needed.
- MM-101 The Project shall include closed circuit TV monitoring in all buildings, key card security systems, alarms, and design of building entrances and open spaces to be open and in view of surrounding areas.
- MM-102 The Project design shall address access control to proposed structures including parking areas, security lighting, landscaping planning and minimization of dead space to eliminate areas of concealment, and provision of security patrol throughout the Project Site if needed. The Design Out Crime Guidelines: Crime Prevention Through Environmental Design, published by LAPD, shall be used for reference. All crime prevention features shall be reviewed and approved by LAPD prior to the issuance of a building permit.
- MM-103 Upon completion of the Project, the Applicant or its successor shall provide the LAPD's Central Area Commanding Officer with a diagram of all portions of the Project Site that includes access routes and any other applicable information that could facilitate police response.
- MM-104 Prior to the issuance of a certificate of occupancy for each construction phase and on-going during operations, the Applicant or its successor shall develop an Emergency Procedures Plan to address emergency concerns and practices. The plan shall be subject to review by LAPD.
- MM-105 The Applicant or its successor shall pay all required school fees to the Los Angeles Unified School District (LAUSD).

- MM-106 The Applicant or its successor shall pay all applicable fees associated with the construction of the Project, including, but not necessarily limited to, Quimby fees, in accordance with the provisions applicable to each fee.
- MM-107 The Applicant or its successor shall install new water meters as required.
- MM-108 The Project shall include water conservation features in accordance with Title 24 of the California Code of Regulations (CCR). Further, the Project design shall incorporate energy efficient appliances in compliance with proposed amendments to the California Energy Code.
- MM-109 The Applicant or its successor shall install plumbing and plumbing fixtures that shall meet the following requirements:
- Toilets. All toilets installed shall be high efficiency fixtures. The maximum flush volume for high efficiency toilets shall not exceed 1.28 gallons of water (effective) per flush (gpf).
 - Urinals. All urinals installed shall be high efficiency fixtures. The maximum flush volume of high efficiency urinals shall not exceed 0.125 gpf.
 - Faucets. All faucets in public restrooms must be self-closing. The flow rate for all indoor faucets shall be 2.2 gallons per minute (gpm) except as follows:
 - The maximum flow rate for private or private use lavatory faucets shall be 1.5 gpm (5.6 liter per minute);
 - The maximum flow rate for public use lavatory faucets, shall be 0.5 gpm. Exception: Metering faucets shall deliver not more than 0.25 gallon (1.0 liter) of water per cycle; and
 - The maximum flow rate for a pre-rinse spray valve installed in a commercial kitchen to remove food waste from cookware and dishes prior to cleaning shall be 1.6 gpm (6.0 liter per minute).
 - Showerheads. All showerheads must be low-flow with a maximum flow rate that does not exceed 2.0 gpm. This requirement shall not apply to any emergency showerhead installed for health or safety purposes.
 - Dishwashers.
 - The maximum water use for high efficiency commercial dishwashers shall be in accordance with Table IV.J.1-1 (High Efficiency Commercial Dishwasher Use).
 - The maximum water use per washing cycle for high efficiency domestic dishwashers shall be 5.8 gallons. All installed dishwashers must be Energy Star® rated.
 - Cooling Towers. All cooling towers must be operated at a minimum of 5.5 cycles of concentration.
- MM-110 The Applicant shall not use single pass cooling systems. Single-pass cooling systems are strictly prohibited for use in devices, processes, or equipment installed in commercial, industrial, or multi-family residential buildings. This prohibition shall not apply to devices, processes, or equipment installed for health or safety purposes that cannot operate safely otherwise.
- MM-111 The Applicant or its successor shall use high efficiency clothes washers (Residential) – water savings factor of 5.0 or less;

- MM-112 The Applicant or its successor shall use rotating sprinkler nozzles landscape irrigation – 0.5 gpm;
- MM-113 The Applicant or its successor shall use drought tolerant and native plants for 25 percent of total landscaping;
- MM-114 The Applicant or its successor shall use high efficient clothes washer (Commercial) – water savings factor of 7.5 or less;
- MM-115 The Applicant or its successor shall use cooling tower conductivity controllers or Cooling Tower pH Conductivity Controllers;
- MM-116 The Applicant or its successor shall use water-saving pool filter;
- MM-117 The Applicant or its successor shall use leak detection system for swimming pools and Jacuzzi;
- MM-118 The Applicant or its successor shall use drip/subsurface irrigation (Micro-Irrigation), weather-based irrigation controller, micro-spray and zoned irrigation; and
- MM-119 The Applicant or its successor shall use landscaping contouring to minimize precipitation runoff.
- MM-120 In the event that a land use exchange permitted under the Land Use Equivalency Program shows any net increase in water consumption, the Applicant or its successor shall identify additional measures that would reduce this net increase to zero or negative. LADWP shall certify to the Department of City Planning that the land use exchange, including such measures, will not result in a net increase in water demand, prior to the Department of City Planning approving the land use exchange under the Land Use Equivalency Program. Alternatively, the Applicant or its successor shall request and secure a new Water Supply Assessment approved by LADWP prior to approval of the land use exchange by the Department of City Planning.
- MM-121 As part of the normal construction/building permit process, the Applicant or its successor shall confirm with the City that the capacity of the local and trunk lines are sufficient to accommodate the Project's sewer flows during the construction and operation phases.
- MM-122 The Project shall implement any upgrades to the sewer system serving the Project that could be needed to accommodate the Project's sewer generation.
- MM-123 The Project shall additionally implement the water conservation measures that would also reduce sewer flows, as described in Section IV.J.1 (Utilities – Water) of the Draft EIR.
- MM-124 The Applicant or its successor shall implement a demolition and construction debris recycling plan for all buildings constructed as part of the Project, with the explicit intent of requiring recycling during all phases of site preparation and building construction. Off-site recycling centers, such as asphalt or

concrete crushers, would be utilized to provide crushed materials for roadbed base. In addition, trees unsuitable for relocation would be recycled and used for landscape mulch;

- MM-125 All structures constructed or uses established within any part of the Project shall be designed to be permanently equipped with clearly marked, durable, source sorted recycling bins at all times to facilitate the separation and deposit of recyclable materials;
- MM-126 Primary collection bins shall be designed to facilitate mechanized collection of such recyclable wastes for transport to on- or off-site recycling facilities; and
- MM-127 The Applicant or its successor shall continuously maintain in good order clearly marked, durable, and separate recycling bins on the same lot or parcel to facilitate the deposit of recyclable or commingled waste metal, cardboard, paper, glass, and plastic therein; maintain accessibility to such bins at all times for the collection of such wastes for transport to on- or off-site recycling plants; and require waste haulers to utilize local or regional material recovery facilities as feasible and appropriate.
- MM-128 During occupancy and operations, the Project shall have a solid waste diversion rate target of 65 percent of non-hazardous materials.
- MM-129 As part of the Project's pursuit of Leadership in Energy and Environmental Design (LEED) silver certification, the Project's construction waste management program shall recycle and/or salvage at least 75 percent of non-hazardous materials.
- MM-130 The Applicant or its successor shall design the building envelope, HVAC, lighting, other systems such as electric motor equipments, to maximize energy performance. Additionally, as part of the Project and to reduce its overall demand for electricity, the following electrical systems could be employed to meet the current 2008 Title 24 requirements or exceed the 2005 Title 24 requirements by 15 percent:
- Automatic and day-lighting controls and zoning;
 - Cool roofs or high reflectance, high emittance roof surfaces in all low-slope applications;
 - Basic building commissioning for electrical and mechanical equipment;
 - Energy efficient heating and cooling systems, transformers, and indoor and outdoor lighting;
 - Energy Star appliances;
 - Energy efficient pumps and motors for pools and spas; and
 - Other building envelope components such as glazing, insulation, and energy efficient windows.
 - Install Energy Monitoring Dashboards to provide real-time and historical feedback to residents on their homes' energy consumption (applicable to residential condo units only).
 - Provide education on energy efficiency.
- MM-131 The Applicant or its successor shall include all gas service lines required for the new gas meters. The Project shall add additional gas service lines from Figueroa Street and 7th Street to distribute gas throughout the Project Site;

- MM-132 The Applicant or its successor shall comply with State Energy Conservation Standards for New Residential and Non-Residential Buildings (Title 24, Part 6, Article 2, California Administrative Code, 2008) and exceed Title 24, Part 6, Article 2, California Administrative Code, 2005 by 15 percent;
- MM-133 The Applicant or its successor shall install energy efficient heating and cooling systems, appliances (e.g., Energy Star®), equipment, and control systems;
- MM-134 The Applicant or its successor shall specify low-flow water-usage fixtures, reducing water consumption and water heating fuel (natural gas);
- MM-135 The Applicant or its successor shall use energy-efficient pumps and motors for, waste and storm water conveyance, fire water, domestic water, pools and spas;
- MM-136 The Applicant or its successor shall provide education on energy efficiency, water conservation, and waste recycling services; and
- MM-137 The Applicant or its successor shall commit to LEED Silver rating certification for Core and Shell for the office and hotel. Several potential energy conservation technologies and methods may include Enhanced Commissioning, Measurement & Verification, solar power, gas absorption chillers, and on-site generation systems.
- MM-138 Soil sampling shall be conducted prior to excavation activities in the areas of the abandoned State of California Underground Storage Tanks (USTs) and the boiler sumps. At least one soil sample shall be collected beneath the base of each of the three concrete lined boiler sumps and analyzed for metals and total petroleum hydrocarbons. Approximately four or more soil samples shall be collected beneath the two 10,000 gallon USTs (a minimum of one sample beneath each end of each UST) and analyzed for total petroleum hydrocarbons and volatile organic compounds. If soil impacts are reported during this sampling, then the associated area(s) shall be designated for remediation. If suspected contaminated soil is observed (i.e., by sight, smell, etc.) elsewhere during other excavation and grading activities, all construction activities within such an area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up measures are implemented so as to render the area suitable for grading activities to resume. If contaminated soil is identified through soil sample analysis at any location on the Project Site, the contaminated soil shall be evaluated and excavated/disposed of, or otherwise managed in accordance with all applicable regulatory requirements. Following excavation of the contaminated soils, confirmation soil samples shall be collected and analyzed to ensure all areas of contamination were removed.
- MM-139 To assess the presence of methane gas in the soils to be excavated and the soils underlying the Project Site, a soil gas investigation shall be conducted at the Project Site prior to construction. The soil gas investigation shall include at a minimum four sampling locations spread out on each quadrant of the Project Site. Vapor samples shall be collected through the installation of vapor probes at depths of approximately 5 and 10 feet beneath the bottom of the existing parking garage and also 5 and 10 feet beneath the expected base of the proposed parking garage. In addition to collecting the vapor sample for analysis for methane, the vapor pressure shall also be

measured to determine if there is positive pressure that is a potential driving force for methane migration in the subsurface. The California Department of Toxic Substances guidance documents for assessing methane at school sites indicates that a methane gas concentration of 5,000 parts per million and a vapor pressure of greater than 0.5 pounds per square inch are general guidelines for determining when remediation is recommended. If methane concentrations are measured above 5,000 parts per million (10 percent of the lower explosive limit) in the soils beneath the Project Site, then appropriate remediation measures shall be conducted during construction. During excavation activities, the work areas being excavated shall be monitored for methane with a field methane and oxygen gas meter to ensure methane gas levels do not accumulate above 5,000 parts per million. If methane is detected, then engineering measures such as fans or other air circulation systems shall be implemented to reduce the methane gas concentrations to below 5,000 parts per million.

- MM-140 If methane gas concentrations in soil gas collected below the bottom of the eight-level parking garage structure are above 5,000 parts per million, the design of the building shall incorporate methane mitigation as required by the City Department of Building and Safety that could include active or passive sub slab vent systems and or vapor barriers. The appropriate level of mitigation shall be determined through communication with City Department of Building and Safety personnel.
- MM-141 Prior to demolition of the existing structure, a demolition-level asbestos survey shall be conducted at the Project Site to identify asbestos containing materials. Destructive samples shall be collected of all suspected materials such as floor and ceiling tiles, insulation materials, roofing materials, and dry wall joint compound. If ACMs are detected, a licensed asbestos abatement contractor shall be retained to remove all ACMs from the Project Site during the Project's demolition phase.
- MM-142 Prior to demolition, potentially polychlorinated biphenyl-containing oils shall be sampled and analyzed for polychlorinated biphenyls and the known polychlorinated biphenyl-containing transformers and any other polychlorinated biphenyl-containing oils shall be handled and disposed of in accordance with state and federal laws during future demolition activities.
- MM-143 Prior to demolition of the existing structure, a lead-based paint survey shall be conducted at the Project Site. The survey shall include the sampling of paint in various representative areas (e.g., hotel rooms, maintenance areas, offices, outside structures, etc.). The samples shall consist of paint chips physically removed from the walls and analyzed for lead. If lead-based paint is detected, a licensed lead-based paint abatement contractor shall be retained to remove all lead-based paint from the Project Site during the Project's demolition phase in accordance with all applicable regulations.
- MM-144 Approximately 10,000 ballasts and nearly 20,000 fluorescent lights are present at the Project Site. During demolition activities, fluorescent lights and other similar materials shall be collected and disposed of in accordance with state and federal laws and not introduced into general construction debris.

- MM-145 All chemicals stored at the Wilshire Grand Hotel shall be inventoried and disposed of in accordance with state and federal laws.
- MM-146 Twenty-five-year post-development peak flows shall be controlled to levels that are equal to or less than existing conditions.
- MM-147 The Applicant or its successor shall include landscape features primarily with native/drought tolerant vegetation and trees, and treatment BMPs (i.e., bioretention planter boxes) shall be incorporated into landscape areas that would help reduce runoff volumes.
- MM-148 The Applicant or its successor shall include treatment control BMPs such as bioretention planter boxes and proprietary stormwater media filtration systems to address the pollutants of concern for the Project. These BMPs shall be designed to minimize introduction of pollutants to the maximum extent practicable and to promote treatment and some volume reduction (given constraints on infiltration) to a level beyond the minimum SUSMP requirement.
- The Project shall include a number of source control measures to control pollutants to the maximum extent practicable, including proper design of loading docks and trash storage areas, regular street sweeping of streets, parking areas, and pedestrian areas, proper storage and use of fertilizers and pesticides used in common area landscaping, use of native and/or non-invasive vegetation, and directing parking lot and road runoff to vegetated areas as feasible.
- MM-149 Roof runoff shall be directed to vegetated planter boxes located in common areas to the extent feasible (no space constraints).
- Only inert construction materials for exposed surfaces shall be used. No copper and zinc roofing materials and/or down spouts and no pressure treated woods shall be used.
- MM-150 The Applicant or its successor shall provide building tenants with public education materials (available from the City of Los Angeles Bureau of Sanitation) on water quality.
- MM-151 The introduction of pollutants of concern into the underlying groundwater shall be minimized by: 1) use of efficient irrigation systems (soil moisture or climate controlled) to reduce overwatering; 2) restrictions on the use of fertilizers and pesticides in landscape areas; and 3) selection of native and drought-tolerant plants to reduce watering needs and fertilizer applicant.
- MM-152 The Project shall comply with all NPDES Permit and waste discharge requirements for temporary or permanent groundwater dewatering (of required) and with the Construction General Permit.
- MM-153 All storm drain inlets and water quality inlets shall be stenciled or labeled. No public access points shall be located along channels within the Project area.
- MM-154 The Applicant or its successor shall be responsible for maintaining storm drain stencils within their property.

- MM-155 All trash facilities shall be covered and isolated from stormwater runoff.
- MM-156 The Applicant or its successor shall be responsible for ensuring the ongoing maintenance of BMPs.
- MM-157 Stormwater treatment facilities shall be designed to meet or exceed the sizing standards in the SUSMP manual. The size of the facilities shall be finalized during the design stage by the Project's engineer with the final hydrology study, which shall be prepared and approved to ensure consistency with the EIR analysis prior to issuance of a final grading permit.
- Volume-based treatment control BMPs for the Project shall be designed to collect and treat, at a minimum, the volume of runoff produced from a 0.75-inch storm event at a minimum, prior to its discharge to a stormwater conveyance system.
- Flow-based BMPs shall be sized to collect and treat the flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity.
- Loading dock areas shall be covered or would be isolated from storm runoff (restrict run-on and runoff). Direct connections to storm drains from depressed loading docks (truck wells) shall be prohibited.
- MM-158 Below grade loading docks for fresh food items shall drain through a Treatment Control BMP applicable to the use, such as a catch basin media filtration system.
- Loading docks shall be kept in a clean and orderly condition through weekly sweeping and litter control, at a minimum. Spills and broken containers shall be cleaned immediately without the use of water that would drain to the storm sewers.
- MM-159 Commercial areas shall not have repair/maintenance bays or the bays shall comply with design requirements.
- MM-160 Minor routine maintenance of service vehicles such as oil changes, shall be conducted in designated areas indoors in the subterranean parking structure, and shall be isolated from the storm drain system. Any floor drains in the maintenance area shall be plumbed to the sanitary sewer system.
- MM-161 Hotel laundry facilities shall be indoors and shall be isolated from the storm drain system.
- MM-162 The vehicle/equipment wash areas shall comply with design standards intended to isolate wastewater from the storm drain system. All drainage from wash areas shall be treated in a clarifier and discharged to the sanitary sewer.
- MM-163 Food preparation areas shall have either contained areas or sinks, each with sanitary sewer connections for disposal of wash waters containing kitchen and food wastes. If wash areas are located outside, the containment areas or sinks shall also be structurally covered to prevent entry of storm water.

Adequate signs shall be provided and appropriately placed stating the prohibition of discharging washwater to the storm drain system.

- MM-164 Any sumps, drains, or pumping from the subterranean structure shall be plumbed and/or pumped to the sanitary sewer system.
- MM-165 At least 58 trees, at a minimum size of 24-inch boxes, shall be planted in conformance with the recommendation provided in the Tree Inventory and Assessment.
- MM-166 Placement of signage shall not interfere with the canopies of adjacent street trees.
- MM-167 If lateral branches of street trees are removed below a height of 12 feet above the sidewalk elevation, then: a) no removed branch may be a diameter of more than $\frac{1}{4}$ of the trunk diameter or three inches, whichever is less, and b) the total tree height must be three times the clear trunk height.
- MM-168 Any tree that is topped or headed back on the sides to expose signs shall be replaced by the sign owner with a tree equal in size to the original tree's height and canopy.
- MM-169 As a means to reduce emission from mobile sources, the Applicant or its successor shall provide:
- Flexible work schedules and telecommuting programs;
 - Alternative work schedules;
 - Pedestrian-friendly environment;
 - Bicycle amenities, such as bicycle racks, lockers, showers, etc.;
 - Rideshare/carpool/vanpool promotion and support;
 - Mixed-use development;
 - Education and information on alternative transportation modes;
 - Transportation Management Information Center (TIC);
 - Transportation Coordination Program;
 - Discounted employee transit passes for eligible employees; and
 - Guaranteed Ride Home Program.
- MM-170 For the residential dwelling units and office tenants, the Applicant or its successor shall meet the 2008 Standards for Title 24 Part 6 energy efficiency standards and shall exceed the 2005 Standards by at least 15 percent. Specifically, the Project shall use at least 20 percent green power. The 20 percent usage shall be achieved through a combination of LADWP's RPS commitment and the Project's participation in LADWP's Green Power Program. Further, appliances in the residential dwelling units shall be Energy Star® rated.
- MM-172 The Applicant or its successor shall incorporate low-flow water fixtures, such as toilets, urinals, faucets, and showerheads, as well as high-efficiency appliances, such as dishwashers.
- MM-173 Wood burning fireplaces and stoves shall be prohibited within the Project.

MM-174 The Applicant or its successor shall use energy efficient pumps and motors for waste/stormwater conveyance, fire water, domestic water, pools, and spas.

73. Construction Mitigation Conditions - Prior to the issuance of a grading or building permit the Applicant shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the Applicant and all successors to the following:

CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
- b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
- c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres or portion thereof. Each sign must be posted in a prominent location.

CM-2. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

CM-3. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.

CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

CM-6. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

CM-8. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which

prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

- CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 9:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-12. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-13. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-14. Appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.
- CM-15. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-16. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- CM-17. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-18. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- CM-19. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-20. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- CM-21. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

Other Conditions

74. Metropolitan Transportation Authority (Metro). Construction activities associated with the proposed project shall not interfere with structural and systems integrity of Metro's Red Line subway tunnels, which runs along and directly under 7th Street adjacent to the project site. Construction and operation shall not disrupt the operation and maintenance of the Red Line. Prior to issuance of a building permit, the Applicant shall provide proof of notification of building construction to Metro to the satisfaction of the Director of Planning.

75. Caltrans.

- a. ~~Construction related truck trips on State Highways shall be limited to off-peak commute periods.~~
- b. ~~Transport of over size or over weight vehicles on State Highways will need a Caltrans Transportation Permit.~~
- c. ~~The Contractor shall agree to avoid platooning of truck trips on mainline freeways, on freeway ramps and at freeway ramp intersections.~~

Administrative Conditions

76. 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 Department of City Planning for placement in the subject file.

77. Code Compliance. Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.

78. Master 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 assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded, and Planning staff may require additional exhibits relative to the Conditions. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

79. Definition. Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.

80. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

81. Building Plans. Pages one and two of this Determination (including the requested entitlements) and all the Conditions of Approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.

82. Project Plan Modifications. Any correction and/or modifications to the Project plans made subsequent to this grant other than that which is considered substantial

conformance and which is permitted with regard to the Design Flexibility Program and the Land Use Equivalency Program and that which 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, yard or setbacks, building separations, or lot coverage, uses, and signs, 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, and City Council.

83. Corrective 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 City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

84. Indemnification. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Additional Conditions

85. Water Supply Verification. In the event the project contains more than 500 residential units as permitted in the Land Use Equivalency Program and Condition of Approval No. 8, the Applicant shall prepare a water verification report complying with the provisions of Government Code Section 66473.7.

86. Construction Perimeter Sound Barrier. Applicant shall install a temporary six-foot tall noise barrier along the north and south perimeter of the project site to reduce construction noise.

87. Construction Perimeter Treatment Plan. Applicant shall prepare a perimeter treatment plan for the entire construction site, using aesthetically pleasing materials and design components during construction phases, to the satisfaction of the Director of Planning. No offsite signs shall be permitted on temporary fencing.

88. Circulation and Construction Staging.

- a. All four existing travel lanes along Wilshire Boulevard shall remain open during all phases of construction. Any construction staging on Wilshire Boulevard shall not impede a traffic lane.
- b. All four existing travel lanes along Figueroa Boulevard shall remain open during all phases of construction. Any construction staging on Figueroa Boulevard shall not impede a traffic lane.

89. Francisco Street Circulation Improvements. Prior to issuance of any certificate of occupancy for Building B, as shown in Exhibit A, the Applicant will cause Francisco Street to be restriped as two northbound lanes and two southbound lanes within the

existing width of Francisco Street, and will implement additional curb cuts or sidewalk widening or narrowing (in no event would the sidewalk be less than eight feet in width) on Francisco Street as required by LADOT and/or any other relevant City agency in connection with such restriping.

90. Wilshire Boulevard Circulation Improvements. Prior to the issuance of any certificate of occupancy for the Building B, as shown in Exhibit A, the Applicant will cause the eastbound Wilshire Boulevard lanes to be restriped for three left turn lanes and one through-lane within the existing street width of Wilshire Boulevard and will implement identification and directional signage and intersection signal improvements to the satisfaction of the Department of Transportation.