

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2015-4557-MCUP-CUX-TDR-SPR-DD-1A	ENV-2015-4558-EIR	14 – Huizar
PROJECT ADDRESS:		
813-815 West Olympic Boulevard; 947-951 S. Figueroa Street		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Olymfig26, LLC 1433 Griffith Avenue Los Angeles, CA 90021 <input type="checkbox"/> New/Changed	213-223-1447	<a href="mailto:ed.casey@alston.com">ed.casey@alston.com</a>
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
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APPELLANT'S #1 REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
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APPELLANT #2	TELEPHONE NUMBER:	EMAIL ADDRESS:
LA Fig Property Owner, LLC 9601 Wilshire Boulevard #700 Beverly Hills, CA 90210	213-617-5567	<a href="mailto:bhall@caphall.com">bhall@caphall.com</a>
APPELLANT'S #2 REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Alfred Fraijo, Jr., Esq 333 South Hope Street, 43 <sup>rd</sup> Floor Los Angeles CA 90017	213-617-5567	<a href="mailto:afraijo@sheppardmullin.com">afraijo@sheppardmullin.com</a>
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Sergio Ibarra	213-473-9985	<a href="mailto:sergio.ibarra@lacity.org">sergio.ibarra@lacity.org</a>
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Master Conditional Use Permit (MCUP); Conditional Use (CUX); Transfer of Floor Area Rights (TFAR); Site Plan Review (SPR); and Director's Decision (DD).		

**FINAL ENTITLEMENTS NOT ADVANCING:**

N/A

**ITEMS APPEALED:**

Master Conditional Use Permit (MCUP); Conditional Use (CUX); Site Plan Review (SPR); and Director's Decision (DD).

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/> Environmental Impact Report	<input type="checkbox"/>
<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map	<input type="checkbox"/>	<input type="checkbox"/> Other _____	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input type="checkbox"/> Land Use	<input type="checkbox"/>		
<input type="checkbox"/> Other _____	<input type="checkbox"/>		

**NOTES / INSTRUCTION(S):**

Related Case: VTT-73966-CN-2A

**FISCAL IMPACT STATEMENT:**☒ Yes☐ No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:**

- ☒ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
October 10, 2019 and April 23, 2020	7 – 0 and 6 - 2
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
June 10, 2020	Yes
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant	June 18, 2020



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: **MAY 26 2020**

**Case No. CPC-2015-4557-MCUP-CUX-TDR-SPR-DD**

Council District: 14 – Huizar

CEQA: ENV-2015-4558-EIR; SCH No. 2016061048

Plan Area: Central City

Related Case: VTT-73966-CN-1A

**Project Site:** 813-815 West Olympic Boulevard; 947-951 South Figueroa Street

**Applicant:** Olymfig26, LLC  
Representative: Anne Williams, PSOMAS

At its meetings of **October 10, 2019** and **April 23, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition and removal of all existing development on the Project Site and development of a single 57-story high-rise building containing up to 65,074 square feet of retail/commercial space (in three stories); 33,498 square feet of office space (in six stories); 10,801 square feet of hotel conference center/ballroom space (on one story); 8,448 square feet of residential condominium amenities (on the same story as the hotel conference center); 373 hotel rooms (216,065 square feet in 17 stories, including lobby/amenities level); 374 residential condominium units (435,731 square feet in 24 stories); and 9,556 square feet of penthouse amenity area (in two stories) for a project total of 779,173 square feet of total floor area. A six-level subterranean parking garage would be located beneath the building, and eight levels of above ground parking would be provided within the podium level of the building. Six levels of the above ground parking would be wrapped with office uses on the Olympic Boulevard street frontage. Two additional stories dedicated to mechanical facilities would also be included in the proposed structure. The Project proposes a floor area ratio (FAR) of up to 13:1.

This letter of determination reflects two separate City Planning Commission Hearings regarding the project. On October 10, 2019, the City Planning Commission took action on the Master Conditional Use Permit, Conditional Use, the Director's Decisions and Site Plan Review<sup>1</sup>. On April 23, 2020, the City Planning Commission took action on the Transfer of Floor Area Rights (TFAR) request<sup>2</sup>.

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<sup>1</sup> On October 10, 2019, the City Planning Commission also considered an Appeal to the Vesting Tentative Tract Map (VTT-73966-CN-1A). The CPC denied the Appeal and Certified the Environmental Impact Report. The denial of the Appeal was subsequently appealed to City Council and is awaiting a date uncertain for a public hearing.

<sup>2</sup> On April 23, 2020, the City Planning Commission recommended that City Council certify the EIR. Given that the EIR was previously certified by the Commission and subsequently appealed, the Environmental Impact Report was reopened.



On **October 10, 2019**, the Los Angeles City Planning Commission took the actions below in conjunction with approval of the Master Conditional Use Permit, Conditional Use, Director's Decisions and Site Plan Review as follows:

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the previously certified Olympic Tower Environmental Impact Report (EIR), No. ENV-2015-4558-EIR (SCH No. 2016061048) certified in conjunction with actions on VTT-73966-CN-1A; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR or addendum is required for approval of the project;
2. **Approved**, pursuant to LAMC Sections 12.24 W.1 and 12.24 W.18, a Master Conditional Use to permit a full line of alcoholic beverages for on-site consumption within up to 16 premises and up to 4 premises for off-site consumption;
3. **Approved**, pursuant to 12.24 W.18, a Conditional Use Permit to allow dancing within the commercial uses;
4. **Approved**, pursuant to LAMC Section 12.21 G.3, a Director's Decisions to allow less than one on-site tree per four residential dwelling units (63 trees in lieu of 94 trees);
5. **Approved**, pursuant to LAMC Section 12.21 A.16(h), a Director's Decision to allow short-term bicycle parking inside a building and short-term and long-term bicycle parking on a level other than the ground floor or nearest floor to the ground floor in a parking garage;
6. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project resulting in an increase of 50 or more dwelling units or guest rooms;
7. **Adopted** the attached Conditions of Approval; and
8. **Adopted** the attached Findings.

Moved: Ambroz  
 Second: Leung  
 Ayes: Khorsand, Mack, Millman, Mitchell, Padilla-Campos  
 Recuse: Choe  
 Absent: Perlman

**Vote: 7 – 0**

On **April 23, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the Transfer of Floor Area Rights (TFAR):

1. **Recommended**, that the **City Council** has **reviewed** and **considered** the information contained in the Environmental Impact Report No. ENV-2015-4558-EIR (SCH No. 2016061048) prepared for this project, which includes the Draft EIR, dated October 4, 2018, the Final EIR, dated August 14, 2019, and Erratum, dated September 2019 (Olympic Tower Project EIR), as well as the whole of the administrative record, and
2. **Recommended** that the **City Council** **certify** that:
  - a. The Olympic Tower Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
  - b. The Olympic Tower Project EIR was presented to the City Council as a decision-making body of the lead agency; and
  - c. The Olympic Tower Project EIR reflects the independent judgment and analysis of the lead agency.
3. **Recommended** that the **City Council** **adopt** the following:
  - a. The related and prepared Olympic Tower Project Environmental Findings;
  - b. The Statement of Overriding Considerations; and
  - c. The Mitigation Monitoring Program prepared for the Olympic Tower Project EIR (Exhibit C, dated August, 2019);

4. **Recommended** that the **City Council approve**, pursuant to Section 14.5.6 of the Los Angeles Municipal Code, a Transfer of Floor Area Rights (TFAR) for the transfer of greater than 50,000 square feet of floor area, to allow for the transfer of up to 455,161 square feet of floor area from the City of Los Angeles Convention Center (Donor Site) located at 1201 South Figueroa Street, to the Project Site (Receiver Site), and to allow for the transfer of up to 101,826 square feet of floor area from the Grand Central Square (a Private Donor Site), located at 320 W. 3rd Street, to the Project Site (Receiver Site), thereby permitting a maximum of 13:1 FAR in lieu of the otherwise permitted 6:1 FAR;
5. **Requested** that within six months of the receipt of the Public Benefits Payment by the Public Benefit Trust Fund, the Chief Legislative Analyst convene the Public Benefit Trust Fund Committee, pursuant to LAMC Section 14.5.12;
6. **Adopted** the attached Modified Conditions of Approval; and
7. **Adopted** the attached Findings.

Moved: Leung  
 Second: Mack  
 Ayes: Khorsand, Millman, Mitchell, Padilla-Campos  
 Nays: Ambroz, Perlman  
 Recuse: Choe

**Vote: 6 – 2**

Cecilia Lamas, Commission Executive Assistant  
 Los Angeles City Planning Commission

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

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission as it relates to the Transfer of Floor Area Rights (TFAR) is appealable to City Council by the Applicant if disapproved in whole or in part. The remainder of the Commission action is appealable to the Los Angeles City Council 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE:** JUN 10 2020

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

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

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedures

c: Luci Ibarra, Principal City Planner  
 Milena Zasadzien, Senior City Planner  
 Sergio Ibarra, City Planner

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission on April 23, 2020)

Pursuant to Sections 12.24, 14.5.6, 16.05 and 12.21 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated August 22, 2019, except as may be revised as a result of this action. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
  - a. **City Planning Commission Review.** Any material changes to the design and use of the project, including the hotel use, exterior elevations and skeletal exterior structure, parking screening and wrapping of uses, lobby and atrium design, and rooftop open space and any other significant features, shall be brought back to the City Planning Commission Subcommittee of Design before any action is taken.
2. **Development Services Center.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center for the project, the Department of City Planning's Major Projects Section shall confirm, via signature, that the project's building plans substantially conform to the conceptual plans stamped as Exhibit "A", as approved by the City Planning Commission.

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

**Uses.** The mixed-use development shall consist of up to 374 residential condominiums, 373 hotel rooms, 33,498 square feet of office, 10,801 square feet of Ballroom/Conference Center and up to 65,074 square feet of commercial space. The project consists of approximately 779,173 square feet of floor area.

### Transfer of Floor Area Rights

3. **Transfer of Floor Area Rights.**
  - a. **Floor Area.** The Development shall not exceed a maximum Floor Area Ratio (FAR) of 13:1 and a total floor area of 779,173 square feet. The Transfer Payment and Public Benefit Payment shall be pro-rated to the amount of TFAR being acquired in the event the maximum amount of TFAR is not required. The base lot area used to calculate the base floor area shall be 37,031 square feet with a 6:1 FAR. Changes to the Project that result in a 20 percent decrease in floor area, or more, shall require new entitlements.
  - b. **TFAR Transfer Payment.** The Project is subject to and shall pay a TFAR Transfer Payment in conformance with Section 14.5.6 through 14.5.12 of the Code. Such payment shall be based on the actual amount of floor area transferred to the Project site.

- i. The total amount of floor area authorized to be transferred from the Los Angeles Convention Center by this action shall not exceed 455,161 square feet. The total floor area of the Project Site (Receiver Site) shall not exceed 779,173 square feet.
  - ii. The Applicant shall provide a TFAR Transfer Payment consistent with LAMC Section 14.5.10 in the amount of \$5 per square foot, or \$2,275,805 for the transfer of 455,161 square feet from the Los Angeles Convention Center located at 1201 South Figueroa Street (Donor Site) to the Project Site (Receiver Site).
  - iii. Up to 101,826 square feet of floor area from the site at 320 W. 3<sup>rd</sup> Street (Assessor Parcel Number 5149-015-035) shall be transferred to the subject property by way of a private transfer. This floor area shall not be utilized at 320 W. 3<sup>rd</sup> Street. Prior to the issuance of any permits relative to this matter, an agreement concerning this condition shall be recorded onto the property at 320 W. 3<sup>rd</sup> Street. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject case file. The Applicant shall also submit documentation of the existing floor area currently utilized at 320 W. 3<sup>rd</sup> Street, to be verified by the Department of Building and Safety.
- c. **Public Benefit Payment.** The Project is subject to and shall pay a Public Benefit Payment in conformance with Section 14.5.6 through 14.5.12 of the Code.
- i. The Applicant shall provide a Public Benefit Payment consistent with LAMC Section 14.5.9 in the amount of \$23,203,404.68 provided that at least 50 percent (\$11,601,702.34) of the Public Benefit Payment consist of cash payment by the Applicant to the Public Benefit Trust Fund. Direct provision payments shall be paid directly to the recipients and not to the City of Los Angeles. Proof shall be provided in the form of a cleared check or bank statement and a letter signed by the Executive Director of each organization. Consistent with the TFAR Ordinance, the Project shall provide 50 percent (or \$11,601,702.34) of the Public Benefit Payment by directly providing the following public benefits:
    - 1. A payment to the HCID Affordable Housing Trust Fund in the amount of \$11,601,702.34 (100 percent). The funds shall be utilized for construction and operation of affordable housing developments.
    - ii. At the time of issuance of the Certificate of Occupancy for the Project, the Applicant shall provide an update to the file from each recipient of direct provisions detailing how the money has been spent thus far.
    - iii. The Applicant shall pay the required Public Benefit Payment, less the cost of the Direct Provision of Public Benefits, in cash to the Public Benefit Trust Fund, pursuant to the terms of Transfer of Floor Area Rights Ordinance No. 181,574, Article 4.5 of the LAMC. The Public Benefit Payment proof of cash payment and direct provision of public benefits is required upon the earliest occurrence of either:



1. The issuance of the building permit for the Project; or
2. Twenty-four months after the final approval of the Transfer and the expiration of any appeals or appeal period; should the Applicant not make the required payments within the specified time, subject approval shall expire, unless extended by the Director in writing.

### **Site Plan Review**

4. **Height.** The proposed buildings shall be limited to a height of up to 742 feet and 1 inch consistent with Exhibit A.
5. **Sustainability.**
  - a. The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
  - b. The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
  - c. **Solar and Electric Generator.** Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators shall be used during construction, In particular, solar-powered generators shall be used for the construction trailer(s) on-site.
6. **Parking**
  - a. **Vehicle Parking.** The minimum number of residential and commercial automobile parking spaces shall be provided as required by LAMC Section 12.21 A.4(a), (i), and (p) pursuant to a deviation granted by the Advisory Agency.
  - b. **Bicycle Parking.** Bicycle parking shall be provided consistent with Ordinance No. 185,480, which amended Sections 12.03, 12.21 and 12.26 of the Los Angeles Municipal Code to update the bicycle parking regulations, effective on May 9, 2018, with the exception of the alternative bicycle siting design granted herein pursuant to the Director's Determination.
  - c. Bicycle valet service will be provided for residents, hotel guests, restaurant patrons and the general public 24 hours a day, seven days a week. An on-site designated pick-up/drop-off area will be located on the basement floor accessible by elevator as designated on Exhibit A (Site Plans).
  - d. Prior to the issuance of a building permit, the driveway and parking plan shall be submitted for review and approval to the Department of Transportation.
7. **Electric Vehicle Parking.** The project shall include at least 20 percent of the total code-required parking spaces capable of supporting future electric vehicle supply (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. In addition, five percent of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole

number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

At least 5 percent of the total code-required parking spaces shall be equipped with EV charging stations. Plans shall indicate the proposed type and location(s) of charging stations. Plan design shall be based on Level 2 or greater EVSE at its maximum operating capacity. When the application of the 5-percent requirement results in a fractional space, round up to the next whole number.

## 8. **Parking Podium.**

- a. Any above-grade parking structure shall be designed to be utilized and easily repurposed to other uses, including gallery or event spaces.
- b. The height of the parking level shall have sufficient clearance to be adaptable to non-parking uses. Once converted, the building shall permit a minimum floor to ceiling height of nine feet for commercial uses and eight feet for residential uses.
- c. Parking structures or that portion of a building or structure that is used for parking at grade or above grade shall be designed to minimize vehicle headlight and parking structure interior lighting impacts ("spillover") on adjacent streets and properties.

## 9. **Landscaping.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A.

### a. **Tree Wells.**

- i. The minimum depth of tree wells shall be as follows:
  1. Minimum depth for trees shall be 42 inches.
  2. Minimum depth for shrubs shall be 30 inches.
  3. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
  4. Minimum depth for an extensive green roof shall be three inches.
- ii. The minimum amount of soil volume for tree wells shall be based on the size of the tree at maturity as follows:
  1. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
  2. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
  3. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).

- b. Any trees that are required pursuant to LAMC Section 12.21 G and are planted on any podium or deck shall be planted in a minimum three-foot planter.

## 10. **Downtown Design Guide.** Plans shall be revised to reflect that the Project is consistent with the following:

- a. Street trees shall be spaced not more than an average of 25 feet on center and shall comply with Downtown Design Guide Section 9.F.
- b. Continuous landscaped parkways shall be provided along Olympic Boulevard and Figueroa Street, where feasible. Where there is curbside parking, one walkway for each one or two parking spaces shall be provided through the parkway. If landscaped parkways are not feasible, the trees shall be planted in tree wells designed to the standards identified in the Downtown Design Guide, a minimum of 7' wide.

- c. Exterior lighting for the building and landscaping shall comply with Downtown Design Guide Section 8.F.
  - d. A master sign plan for the entire project shall be submitted to planning staff in the Major Projects Section prior to final clearance. The master sign plan shall identify all sign types that can be viewed from the street, sidewalk or public right-of-way and shall comply with Downtown Design Guide Section 10.
- 11. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
- 12. **Pedestrian Improvements.** The applicant shall make a contribution of \$270,000 to the Department of Transportation to implement Vision Zero safety improvements.
- 13. **Streetscape Improvements.** Streetscape improvements shall be implemented in accordance with the Los Angeles Sports and Entertainment District Streetscape Plan to enhance safety and walkability, in consultation with the Department of Public Works and the Department of City Planning.
- 14. **Trash/Storage.**
  - a. All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
  - b. Trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof, at all times.
  - c. Trash/recycling containers shall be locked when not in use.
- 15. **Lighting**
  - a. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
  - b. Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel.
  - c. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures.
  - d. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
- 16. **Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints)

or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

17. **Reflectivity.** Glass used in building façades shall be non-reflective or treated with a non-reflective coating in order to minimize glare from reflected sunlight.
18. **Noise.** All exterior windows having a line of sight of an Avenue (Major or Secondary Highway) shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto. Or, the applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
19. **Mechanical Equipment.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.
20. **Solar Roof Panels.** The project shall provide photovoltaic panels as shown on the roof plan on page A100 of Exhibit A as part of an operational photovoltaic system to be maintained for the life of the project.
21. **Utilities.** All utilities shall be fully screened from view of any abutting properties and the public right-of-way.
22. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
23. **Off-Site Signage.** No billboards or off-site signage shall be allowed on-site. This prohibition includes interior signs that are visible through glass.
24. Prior to the issuance of the building permit, a copy of the letter of decision for Case No.VTT-73966 shall be submitted to the satisfaction of the Development Services Center.
25. **Graffiti.** 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.
26. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.

**Master Conditional Use for the Sale and Dispensing of Alcoholic Beverages and Conditional Use for Dancing**

27. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
28. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit A, except as may be revised as a result of this action.



29. 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.
30. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
31. 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 Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

Authorized herein is the sale, dispensing, and consumption of a full line of alcoholic beverages for on-site and off-site consumption in conjunction with:

- a. On-site consumption for hotel (including, but not limited to, lobby, lobby bar, pool/pool deck, spa, etc. and portable units to serve alcohol for on-site consumption anywhere within the hotel use)
  - b. On-site consumption for mini-bars within each hotel room or suite
  - c. On-site consumption for up to two (2) restaurants or bars within the hotel area
  - d. On-site consumption for the conference center or ballrooms within the Project site
  - e. On-site consumption for condominium (including, but not limited to, lobby, lobby bar, pools, pool decks, outdoor recreational space, sky lounge, etc.)
  - f. On-site consumption for up to ten (10) restaurants or bars located anywhere within the commercial or office areas of the Project, including, but not limited to, outside areas, sidewalks, or rooftop areas, and
  - g. Off-site consumption for up to four (4) retail uses located anywhere within the Project site, including, but not limited to, the hotel, residential, or commercial uses.
32. Plan Approval (MPA) Requirement. Each individual venue shall be subject to a Master Plan Approval (MPA) determination pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Master Conditional Use authorization granted. The purpose of the Master Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. The Zoning Administrator may impose more restrictive or less restrictive conditions on each individual tenant at the time of review of each Plan Approval application. A public hearing for any Master Plan Approval (MPA) request may be waived at the discretion of the Chief Zoning Administrator.
  33. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days.
  34. **STAR/LEAD Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized

Training for Alcohol Retailers” (STAR) or Department of Alcoholic Beverage Control “Licensee Education on Alcohol and Drugs” (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training. Thereafter, STAR/LEAD training shall be conducted for all new hires within three (3) months of their employment.

35. The Applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not violate applicable laws.
36. Loitering is prohibited on the premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
37. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and any exterior area over which the building owner exercises control to discourage illegal and criminal activities.
38. The Applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
39. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
40. The restaurant establishments shall be maintained as a bona fide eating places (restaurants) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
41. The owner or the operator shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment.
42. All deliveries shall be made in the designated on-site loading area. No loading or unloading of deliveries shall be permitted along Olympic Boulevard or Figueroa Street.
43. Trash pick-up, compacting, loading and unloading and receiving activities shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday. No deliveries or trash pick-up shall occur on Sunday.
44. The outside disposal of glass bottles and containers shall only occur between the hours of 7:00 a.m. to 6:00 p.m.
45. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a “Designated Driver Program” which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The

signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.

46. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
47. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
48. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
49. **Cafe and Entertainment Permit.** A Cafe and Entertainment Permit shall be obtained from the Los Angeles Police Commission. A copy shall be submitted to the Department of City Planning for inclusion in the case file.
50. The applicant / operator shall obtain permits from the Los Angeles Police Permit Processing Section, pursuant to LAMC Sections 103.102 and 103.106. Copies of said permits shall be submitted to the Department of City Planning **within 30 days of their issuance** for inclusion in the case file.
51. Dancing shall be permitted from 9:00 AM until 2:00 AM, seven nights a week; Monday through Sunday, pursuant to a current Los Angeles Police Commission permit. **Prior to the utilization of this grant**, evidence of the permit shall be submitted to the Department of City Planning for inclusion in the case file.
52. **MViP – Monitoring Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.
53. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the BESt (Beverage and Entertainment Streamlined Program) for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided

to the Development Services Center or BESt (Beverage and Entertainment Streamlined Program) for inclusion in the case file.

54. Should there be a change in the ownership and/or the operator of the business, the property owner and/or the business owner or operator shall provide the prospective new property owner and the business owner or operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective property owner and/or business owner/operator shall be submitted to the Department of City Planning in a letter from the new property owner and/or business owner or operator indicating the date that the new property owner and/or business owner or operator/management began and attesting to the receipt of this approval and its conditions. The new property owner and/or business owner or operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.
55. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
56. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
57. The Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes, pursuant to LAMC Section 12.27.1.



58. **Prior to the effectuation of this grant**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per LAMC Section 19.01 E.(3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition. Failure to record a covenant acknowledging and agreeing to comply with all the terms and conditions of the approved grant will result in non-effectuation of said grant.

### **Environmental Conditions**

1. **Implementation.** The Mitigation Monitoring Program (MMP), attached as "Exhibit B" and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
2. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

3. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary

project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

4. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities<sup>1</sup>, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 473-9723.
  - If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
  - The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
  - The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
  - If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
  - The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
  - Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions

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

- taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.
5. **Archaeological Resources Inadvertent Discovery.** In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. At which time the applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.
6. **Paleontological Resources Inadvertent Discovery.** In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

### **Administrative Conditions**

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.

5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
7. **Project Plan Modifications.** Any corrections and/or modifications to the project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
8. **Indemnification and Reimbursement of Litigation Costs.** The Applicant shall do all of the following:
  - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails



to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

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

For purposes of this condition, the following definitions apply:

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

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

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

## FINDINGS

### 1. Transfer of Floor Area Rights Findings

- a. Pursuant to Section 14.5.6 B.2 of the Los Angeles Municipal Code, the increase in Floor Area generated by the proposed Transfer is appropriate with respect to the location and access to public transit and other modes of transportation, compatible with other existing and proposed development and the City's supporting infrastructure or otherwise determined to be appropriate for the long term development of the Central City.

The Project is a mixed-use development consisting of residential, commercial, and hotel uses, in a Downtown location within walking distance of the Los Angeles Sports and Entertainment District (LASED), and part of the South Park Neighborhood. As such, the location is adjacent to the city's premiere convention, entertainment, and sports district, locating additional residents, employees, and hotel guests within walking distance to these uses. The Project is in conformance with General Plan Policies, and Objectives, as well as state and regional plans concentrating residential units and commercial space in proximity to established transit and destinations, such as LA Live, the Staples Center, the Convention Center and the Grammy Museum. Furthermore, the location provides convenient access to the LASED and Downtown area, supporting businesses, institutions, restaurants, and other uses. The Project Site is in proximity to employment centers in Downtown Los Angeles, and is well served by public transit providing comprehensive mobility options for residents, guests, visitors, and employees. Additionally, the Project would include a hotel ballroom (which could be used for meetings), a conference center, and several pools, further supplementing existing amenities in the area that support the Convention Center as well as events in the LASED.

The Project is transit accessible and is in proximity to many bus transit lines, MTA rail lines (Metro Rail) and DASH service. The Site is approximately 0.4 miles north of Pico Station with portals at Flower Street and Pico Boulevard, and is served by the Blue and Expo Lines, with connections to the Silver Line Bus route. The 7th Street/Metro Center Station is located approximately 0.4 miles northeast of the Project Site with station portals at the northeastern corner of 7th Street and Figueroa Street, at the northeastern corner of 7th Street and Flower Street, and at the northwestern corner of 7th Street and Hope Street. The 7th/Metro Center Metro Rail station is served by Red, Purple, Blue, and Expo Lines, connecting passengers to Pasadena, East Los Angeles, Long Beach, Culver City, Santa Monica, Hollywood, Korea Town, and North Hollywood. Prior to project build out, Metro forecasts 2021 as the completion date of construction for the Regional Connector Project, which would expand service by connecting the Gold, Blue, and Expo Light Rail Lines expanding destinations at both stations. Additionally, MTA Bus lines serving the site include lines 66, 81, 442, and 460, the Metro Silver Line (910 and 950). LADOT Dash F, and LADOT Commuter Express Bus Lines 419, 423, 438, 448 also have stops along Figueroa, as well as additional municipal bus lines. The Project Site is along the now completed MyFig project, which spans Figueroa Street from 7<sup>th</sup> street to Martin Luther King Jr. Boulevard, which includes bus boarding islands, traffic calming features, buffered and striped bike lanes, and enhanced wayfinding signage. The Project is also in proximity to multiple Metro Bike Share stations, including Figueroa and 9<sup>th</sup>, Hope and Olympic, Hope and 11<sup>th</sup> Street.

The Project is compatible with both existing and recently completed development in the area, as well as proposed development. Additionally, the Project is not seeking entitlements that would alter the zone or the General or Community Plan. Recent high-

rise multifamily mixed-use developments in the vicinity of the Project include the four tower Metropolis development, with the highest tower reaching 56 stories located at Francisco Street and James M. Wood Boulevard, directly north of the site, and the Olympia Project at Olympic and Georgia Street, with the largest of three towers being 65 stories. Also nearby is the Circa development located at Flower Street and 12<sup>th</sup> Street consisting of two 35-story towers, Oceanwide Plaza located across the street from the Circa development at 53 stories, Hope and Flower towers 31 and 40 stories tall located at 1212 Flower Street, and multiple mid-rise residential developments throughout the South Park area as well as the 54-story Ritz Carlton Hotel at the southeast corner of Georgia Street and Olympic Boulevard.

The South Park neighborhood, as intended in the Community Plan, has seen a large number of additional residential units built in the past decade, the Project as proposed would follow this trend, consistent with large scale high-rise mixed-use developments listed above, similarly located adjacent or in the LASED. Furthermore, proposed development located at the northwest corner of James M. Wood Boulevard and Georgia Street, as well as two parcels north, on the north side of the Hotel Figueroa, each have mixed-use, mid- or high-rise projects proposed, each with hotel components. Specifically, 926 James M. Wood Boulevard would include a 247-room hotel and amenities, and 913 South Figueroa Street would include 220-room hotel, and 200 residential units. The Project as proposed is consistent with both existing and proposed development in the South Park neighborhood, as well as additional development planned for the Central City Community Plan Area.

The Central City Community Plan includes residential objectives, and commercial objectives and policies which encourage this type of development in the area. Furthermore, the General Plan Framework Element designates the area as Regional Center Commercial. The Framework Element characterizes Regional Commercial Center Land Use Designation as “intended to serve as the focal points of regional commerce, identity, and activity.” “They are typically high-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City. Generally, regional centers will range from FAR 1.5:1 to 6:1 and are characterized by six- to twenty-story (or higher) buildings as determined in the Community Plan.” The Framework Element includes goals and objectives consistent with this description, which indicate the proposed development and recent developments in the area are consistent with the intent of the Land Use Designation.

The Project’s location is well-served by infrastructure, as the area is currently developed with a mix of uses, each connected to various existing utilities serving the area. The recent expansion of development has furthermore resulted in extensive study, and provision if deemed necessary, of utilities in the area. As discussed in the Draft EIR, a Water Supply Assessment was prepared for the Project by the Los Angeles Department of Water and Power (LADWP). LADWP estimates that the Project would consume approximately 194,576 gallons per day (or 0.194 million gallons per day). LADWP concluded that projected water supply available during normal, single dry, and multiple-dry water years as included in the 25-year projection of the 2015 Urban Water Management Plan (UWMP) is sufficient to meet the projected water demand associated with the Project, in addition to the existing and planned future demand on LADWP. In addition, with regards to the Water Supply Assessment, the Project has voluntarily agreed to incorporate a variety of water conservation measures into the Project that are beyond those required by law. As discussed in the Draft EIR, the Project would consume approximately 7,184,493 kw-h/year (7,184.49 mw-h/year or 7.18 gw-h/year). Compared to LADWP’s projected 2021-2022 total electricity sales (load forecast) of 23,609 gw-h, the Project’s consumption of 7.18 gw-hr/yr would represent approximately 0.03 percent of the forecasted 2021-2022 electricity demand.

The Site is centrally located near frequent transit services, would be compatible with densely developed surroundings, and would be in proximity to jobs, housing, and a wide range of uses and public services. The intensity and mix of the proposed residential and commercial uses are compatible with the current density and mix of uses in the area, and will contribute to the establishment of a 24-hour community in downtown Los Angeles. The Transfer is appropriate for the long-term development of the Central City because it will enable the Project to include residential, hotel, and commercial uses in the South Park area, contributing to the revitalization and modernization of Downtown Los Angeles including job creation and increased City tax revenue generation, maintaining the strong image of downtown as the major center of the metropolitan region, and serving as a linkage and catalyst for other downtown development.

**b. The Project is consistent with the purposes and objectives of the Redevelopment Plan.**

Enacted on June 29, 2011, Assembly Bill 1x-26 (AB 26) revised provisions of the Community Redevelopment Law of the State of California, to dissolve all redevelopment agencies and community development agencies in existence and designate successor agencies, as defined, as successor entities. Among the revisions, the amendments to the law withdrew all authority to transact business or authorize powers previously granted under the Community Redevelopment Law (Section 34172.a.2), and vested successor agencies with all authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies (Section 34172.b). The CRA/LA, is the Designated Local Authority, and successor agency to the CRA.

As explained above, pursuant to Ordinance No. 186,325, as of November 11, 2019, the land use-related plans and functions of the Designated Local Authority, the former local City of Los Angeles (CRA/LA), have been transferred to the City of Los Angeles. Therefore, the City can take-action regarding any Redevelopment Plan Amendment or land use approval or entitlement pursuant to Section 11.5.14 and other applicable provisions of the LAMC, including LAMC Section 14.5.6.

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

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

The Project Site is currently occupied by a carwash and restaurant and associated surface parking lot. The increase in floor area generated by the proposed Transfer will allow for the redevelopment of the site into a 57-story high-rise building containing up to 65,074 square feet of retail/commercial space, 33,498 square feet of office space, 10,801 square feet of hotel conference center/ballroom space, 8,448 square feet of residential condominium amenities, 373 hotel guest rooms, 374 residential condominium units, and 9,556 square feet of penthouse amenity area, for a Project total of 779,173 square feet of total floor area.

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

3. To create an environment that will prepare, and allow, the Central City to accept that share of regional growth and development which is appropriate, and which is economically and functionally attracted to it.
4. To promote the development and rehabilitation of economic enterprises including retail, commercial, service, sports and entertainment, manufacturing, industrial and hospitality uses that are intended to provide employment and improve the Project Area's tax base.

The Project Site is zoned C2, designated Regional Commercial Center and across from the LASED within the Central City Community Plan. The Framework Element characterizes Regional Commercial Center Land Use Designation as "intended to serve as the focal points of regional commerce, identity, and activity. They are typically high-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City. Generally, regional centers will range from FAR 1.5:1 to 6:1 and are characterized by six- to twenty-story (or higher) buildings as determined in the Community Plan." The Framework Element includes goals and objectives consistent with this description, which indicate the Project and recent developments in the area are consistent with the intent of the Land Use Designation. The Project will support the greater downtown area and LASED as destinations, and provide additional space for uses that complement the nearby LASED and Convention Center, contributing to its economic vitality. Further, the Project will be consistent with Central City Community Plan's vision for the South Park District becoming a 24-hour community by developing the Site with a mix of uses that strengthens the link between the surrounding districts/neighborhoods, including the Civic Center /Little Tokyo District to the northeast, and the Financial Core and Bunker Hill Districts to the north.

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

The Project will guide growth and development in the area and generate new job opportunities associated with the 65,074 square feet of retail/commercial space, 33,498 square feet of office space and 373 hotel guest room. The new residential condominium units proposed as part of the Project will offer a mix of unit types for new residents, as well as offering new restaurant space located in a transit rich area, siting new commercial growth in a location aligned with City plans and policies.

6. To create a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing.
7. To create a symbol of pride and identity which give the Central City a strong image as the major center of the Los Angeles Region.

The Project will be designed in a contemporary architectural style, via a tall and slender high-rise tower. The incorporation of an exoskeleton, non-uniform terraces as well as varied architecturally unique balconies will contribute to the downtown Los Angeles' distinct skyline, which give the Central City a strong image as the major center of the Los Angeles Region.



8. To facilitate the development of an integrated transportation system which will allow for the efficient movement of people and goods into, through, and out of the Central City.

As described in the previous finding, the Project Site is well-served by public transit, including both rail and bus service. The Project is transit accessible and is in close proximity to many bus transit lines, MTA rail lines (Metro Rail) and DASH service. The Metro Rail Expo and Blue Lines run beneath Flower Street, one block to the east of the Project Site. The Pico Station is located on these lines approximately 0.2 miles (three blocks) south of the Project Site. The 7th Street/Metro Center station, which serves the Expo and Blue Lines as well as the Red, Purple, and is located approximately 0.35 miles (four blocks) northeast of the Project site. 7<sup>th</sup> Street/Metro connects passengers to Pasadena, East Los Angeles, Long Beach, Culver City, Santa Monica, Hollywood, Korea Town, and North Hollywood. Prior to project build out, Metro forecasts 2021 as completion of construction of the Regional Connector Project, which would expand service by connecting the Gold, Blue, and Expo Light Rail Lines expanding destinations at both stations, projected operation is 2021. These subway lines provide access to other transit lines operated by Metro and connect passengers to Pasadena, East Los Angeles, Long Beach, Culver City, Santa Monica, Hollywood, Koreatown, and North Hollywood. Prior to Project buildout (2023), Metro forecasts 2021 as completion of construction of the Regional Connector Project, which would expand service by connecting the Gold, Blue, and Expo Light Rail Lines expanding destinations at both stations. The Project Site is also served by Metro bus lines. Olympic Boulevard carries Metro Rapid bus line 728 and Metro Local bus line 28 past the Project site with a stop adjacent to the Project site. Figueroa Street carries Metro Express bus lines 442 and 460 and Metro Local bus line 81 past the Project Site (northbound) and one block to the east on Flower Street (southbound). In addition, the Metro Silver Line transit way (Metro Busway Routes 910 and 950X), running from El Monte to San Pedro via Downtown, runs northbound on Figueroa Street past the Project Site and southbound on Flower Street, one block to the east.

9. To achieve excellence in design, based on how the Central City is to be used by people, giving emphasis to parks, green spaces, streetscapes, street trees, and places designed for walking and sitting, and to develop an open space infrastructure that will aid in the creation of a cohesive social fabric.

The Project will create a continuous and predominantly straight sidewalk and arcade; creating a buffer between pedestrians and moving vehicles by proposing an on-site hotel drop-off/pick-up area along the Cottage Place alley, including all vehicular entry for residents and visitors; and providing a clearly defined project entrance immediately accessible from Olympic Boulevard. The ground floor will be open to the street along Olympic Boulevard and will be accessible to pedestrians. Landscaping, including 63 on-site trees, will be incorporated throughout the various outdoor seating areas, outdoor bar and restaurant spaces, and the pool area. Where appropriate, landscaping will be used to provide a separation between uses (i.e. restaurant use, bar use, and outdoor seating area) and will be comprised of non-invasive and drought tolerant plant materials.

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

The Project will introduce 373 new hotel guest rooms, 374 residential condominium units, 33,498 square feet of office space and 65,074 square feet of commercial/retail uses resulting in a range of employment opportunities. Therefore, the Project's new hotel, residential, office and restaurant uses, employment opportunities, transit-oriented

location, and other community benefits make the Project consistent with the Redevelopment Plan's Objectives.

*Conformance with Requirements of the City Center Redevelopment Plan*

**(a) Section 502 - Redevelopment Plan Map**

Section 502 pertains to the relationship between the Redevelopment Plan and the other plans that address development in City Center area and defers to the General Plan, Community Plan, and any applicable zoning ordinance regarding allowable land uses and is further clarified by the CRA/LA in a memorandum dated June 21, 2012.<sup>2</sup> The Project Site is designated as a Downtown Center in the General Plan Framework, Regional Center Commercial in the Central City Community Plan, and in the C2-4D zone. No General Plan Amendment or Zone Change is proposed as part of this Project. Therefore, the Project would comply with Section 502 of the Redevelopment Plan.

**(b) Section 503.2 - Residential Uses**

Section 503.2 requires that all areas designated as Residential on the Redevelopment Plan Map be maintained, developed or used for multiple family housing and be consistent with the applicable Community Plan and zoning. As noted above, pursuant to the June 21, 2012 CRA/LA memo the superseding Community Plan designation for the Project Site is Regional Center Commercial with a C2-4D designation that allows ground level commercial uses. The provision of 374 residential condominium units would be consistent with the objectives and policies of the Central City Community Plan to provide a range of housing choices in the Downtown area. The proposed residential uses would be consistent with the applicable provisions of the LAMC. Therefore, the Project would comply with Section 503.2 of the Redevelopment Plan.

**(c) Section 503.4 - Commercial Uses within Residential Areas**

Section 503.4 allows for commercial uses in residential areas so long as it is consistent with the applicable Community Plan, permitted by the zoning and LAMC, and conforms to the four criteria; promote community revitalization, promote the goals and objective of the Plan, be compatible with and appropriate for the residential uses in the vicinity, and meet design and location criteria by the Agency. As explained above, the Project meets the goals and objectives of the Redevelopment Plan by redeveloping a one-story carwash and restaurant buildings for a 57-story mixed used development consisting of up to 65,074 square feet of retail/commercial space (in three-stories); 33,498 square feet of office space (in six-stories); 10,801 square feet of hotel conference center/ballroom space (one-story); 8,448 square feet of residential condominium amenities (on the same story as the hotel conference center); 373 hotel rooms (216,065 square feet in 17-stories, including lobby/amenities level); 374 residential condominium units (435,731 square feet in 24-stories); and 9,556 square feet of penthouse amenity area (in two-stories) for a Project total of 779,173 square feet of total floor area. The Project would be compatible with the other residential uses in the vicinity as there are many similar mixed-use developments in the area, that provide ground floor commercial space. The Project's ground floor commercial space, publicly accessible breezeway, and improved streetscape conditions along Figueroa Street and Olympic Boulevard would activate the streets of the area promoting pedestrian activity. The Project has also been designed to comply with the

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<sup>2</sup> CRA/LA, A designated Local Authority. Clarification Regarding Discretionary Land Use Action. [http://www.crala.org/internet-site/Meetings/Board\\_Agenda\\_2012/upload/June\\_21\\_2012\\_Item\\_13.pdf](http://www.crala.org/internet-site/Meetings/Board_Agenda_2012/upload/June_21_2012_Item_13.pdf). Accessed February 21, 2020.

Citywide Design Guidelines and is permitted by the zoning and LAMC. Therefore, the Project would comply with Section 503.4 of the Redevelopment Plan.

**(d) Section 508.3 - South Park Development Area**

Section 508.3 states that the following three land uses shall be allowed in the South Park Development Area; Public Land, Private Land, and Private Land Alternate Use. The Project is a mixed-use residential, hotel and commercial development that would be consistent with the uses listed for Private Land Alternative Use (high density residential use and compatible commercial uses) as the Project provides 374 residential units, a public breezeway, and ground floor commercial uses would provide a service to the community. Therefore, the Project would comply with Section 508.3 of the Redevelopment Plan.

**(e) Section 509 - Limitations on Type**

Section 509 states that the type, size and height of buildings shall be limited by applicable federal, State and local statutes, codes, ordinances and regulations and as generally diagrammed in Exhibit No. 4 of the Redevelopment Plan. The Project would be consistent with the intent of the Redevelopment Plan as well as the Central City Community Plan and applicable sections of the LAMC. The Project Site is located in Height District 4D, with unlimited building height and a development limitation of 6:1 FAR. The Project Site is also located in the South Park Development Area north of Pico Boulevard, which limits FAR to 6:1; except, as discussed below Section 512.4 allows density to be increased to an FAR of 13:1 for projects that include a TFAR. Therefore, the Project would comply with Section 509 of the Redevelopment Plan.

**(f) Section 512.1 - Maximum Floor Area Ratios**

Section 512.1 requires that the maximum floor area ratios for any parcel in the South Park Development Area to be no more than six times the parcel area for any parcels north of Pico Boulevard and no more three times the parcel are for parcels south of Pico Boulevard. The Project Site is located north of Pico Boulevard and is limited by the 6:1 ratio for its FAR. However, pursuant to Section 512.4 and the Central City Community Plan, the Project requests a TFAR that would allow its FAR to be increased to 13:1. Therefore, the Project would comply with Section 512.1 of the Redevelopment Plan.

**(g) Section 512.4 - Higher Maximum Floor Area Ratios through Transfer of Floor Area**

Pursuant to Section 512.4 of the Redevelopment Plan, the City may permit projects to exceed maximum floor area ratios set forth in Section 512.1 of the Redevelopment Plan as long as the transfers are consistent with the five criteria below:

1. The resulting higher density development must be appropriate in terms of location and access to the circulation system; compatible with other existing and proposed development; and consistent with the purposes and objectives of this Plan.

As stated above, the Project would be consistent with the purposes and objectives of the Redevelopment Plan, as the Project would redevelop the existing one-story carwash and restaurant for a 57-story mixed-use building containing up to 65,074 square feet of retail/commercial space (in three-stories); 33,498 square feet of office space (in six-stories); 10,801 square feet of hotel conference center/ballroom space (one-story); 8,448 square feet of residential condominium amenities (on the same story as the hotel conference center); 373 hotel rooms (216,065 square feet in 17-stories, including

lobby/amenities level); 374 residential condominium units (435,731 square feet in 24-stories); and 9,556 square feet of penthouse amenity area (in two-stories) for a Project total of 779,173 square feet of total floor area. The Project is appropriate in terms of location as the Project would be located in the South Park District of the Central City Community Plan area, which is recognized for being a mixed-use community with a significant amount of housing. Recent high-rise multifamily mixed-use developments in the vicinity of the project include the four tower Metropolis development, with the highest tower reaching 56 stories located at Francisco Street and James M. Wood Boulevard, directly north of the site, and the Olympia Project at Olympic and Georgia Street, with the largest of three towers being 65 stories. Also nearby is the Circa development located at Flower Street and 12th Street consisting of two 35-story towers, Oceanwide Plaza located across the street from the Circa development at 53 stories, Hope and Flower towers 31 and 40 stories tall located at 1212 Flower Street, and multiple mid-rise residential developments throughout the South Park area as well as the 54-story Ritz Carlton Hotel at the southeast corner of Georgia Street and Olympic Boulevard. The South Park neighborhood, as intended in the Community Plan, has seen a large number of additional residential units built in the past decade, the project as proposed would follow this trend, consistent with large scale highrise mixed-use developments listed above, similarly located adjacent or in the LASED. Furthermore, proposed development located at the northwest corner of James M. Wood Boulevard and Georgia Street, as well as two parcels north, on the north side of the Hotel Figueroa, each have mixed-use, mid- or high-rise projects proposed, each with hotel components. Specifically, 926 James M. Wood Boulevard would include a 247-room hotel and amenities, and 913 South Figueroa Street would include 220-room hotel, and 200 residential units. The project as proposed is consistent with both existing and proposed development in the South Park neighborhood, as well as additional development planned for the Central City Community Plan Area. The Project would also improve accessibility for the area as the Project would introduce a significant residential population in the downtown area, that is served by many local and rapid bus lines and rail lines at the Pico Metro Station (0.40 miles) as the Project site is in a TPA. The Project would also introduce a publicly accessible breezeway along Figueroa Street and Olympic Boulevard and the Project site is along the now completed MyFig project, which spans Figueroa Street from 7th street to Martin Luther King Jr. Boulevard, which includes bus boarding islands, traffic calming features, buffered and striped bike lanes, and enhanced wayfinding signage.

2. Unless otherwise permitted by the applicable Community Plan as it now reads or as it may be amended from time to time in the future, Floor Area Ratios may only be transferred from parcels or portions thereof and to parcels or portions thereof which are within, respectively, the Historic Downtown, City Markets, or South Park Development Areas.

The Central City Community Plan references LAMC Section 14.15.1 et seq, regarding TFAR. As defined in LAMC Section 14.5.3, both the Donor Site (Los Angeles Convention Center as 1201 S. Figueroa Street) and Project Site are located within the Central City TFAR Area. The Project would be receiving 455,161 square feet of floor area from the Los Angeles Convention Center, and 101,826 from a private donor, the Grand Central Market in compliance with LAMC Section 14.15.1 and therefore meets this criteria.

3. The Floor Area Ratio on any parcel shall not exceed the maximum Floor Area Ratio set forth in the applicable City zoning ordinance in effect at the time the transfer is made.

The Project Site is zoned C2-4D, with the "4" indicating Height District 4, which allows unlimited building height and a maximum FAR of 13:1. The D indicates a Development

Limitation that limits the maximum FAR to 6:1, with an increase to a maximum FAR of 13:1 with a TFAR. The requested FAR of 13:1 would be consistent with these applicable FAR requirements.

4. Transfers of Floor Area Ratio to parcels with reasonable proximity or direct access to a public or private rapid transit station shall be particularly encouraged.

The Project Site is well served by regional bus lines, rapid bus lines, and is located approximately 0.40 miles from a Metro Light Rail station at Flower Street and Pico Boulevard as well as a station at Flower Street and 7th Street, approximately 0.40 miles from the Project Site and therefore, the project meets this criteria.

5. Transfers of Floor Area Ratio from parcels on which buildings of historic, architectural or cultural merit are located shall be particularly encouraged where the transfer can reasonably be expected to further the goal of preservation of such buildings.

The Los Angeles Convention Center (Donor Site) has not been identified as a historic or cultural resource. The Grand Central Market, a private donor site, is identified as a building of historic, architectural or cultural merit and the Transfer of Floor Area Ratio from the site contributed to the redevelopment of the historic resource. Therefore, the Project does not conflict with Section 512.4 of the Redevelopment Plan.

**(h) Section 512.5 - Procedures for Effectuating Transfers of Floor Area Ratio for Transfers of 50,000 square feet of Floor Area or More.**

The Project would require approximately 556,987 square feet of transferred floor area in order to permit the requested FAR of 13:1. The Project would comply with the applicable provisions of LAMC Article 4.5, Sections 14.5.1 through 14.5.8, and thus conforms with Section 512.5 of the Redevelopment Plan.

**(i) Section 513 - Open Space, Landscaping, Light, Air and Privacy.**

Section 513 of the Redevelopment Plan defines the approximate amount of total open space to be provided in the Redevelopment Plan area and also states that sufficient space shall be maintained between buildings to provide adequate light, air, and privacy. While this provision applies to the entire CRA Project Area and is not meant to be directly applied to individual development projects, the Project will provide open space areas to generally support this plan provision. The Project's common open space will be located on three separate roof decks on levels 13, 56 and 57. Level 13 will provide 11,370 square feet of outdoor common open space and 8,112 square feet of indoor common open space. Amenities will include a fitness/gym for residents, a pool and deck area, men and women's locker rooms, a bar/lounge area, and three separate ballrooms with balconies and connections to the large outdoor open space. Level 56 will provide 13,703 square feet of outdoor common open space and 5,085 square feet of indoor common open space. Amenities will include a fitness/gym for residents, a pool and landscaped deck area, sauna, men and women's locker rooms, barbeque and seating areas. Level 57 will provide a 721-square-foot outdoor observation deck and 3,749 square feet of indoor sky lounge areas with panoramic views of the city. The indoor sky lounge will accommodate dining/seating areas, a bar, and meeting rooms. This level will overlook the landscaped roof deck on level 56 below.

**(j) Section 514 - Signs, Billboards and Skyline Signage.**

Section 514 prohibits billboards and requires that all other signage conform to the City's signage standards. All signage would comply with the City's sign standards. Therefore, Project conforms with Section 514 of the Redevelopment Plan.

**(k) Section 515 - Utilities.**

Section 515 requires that all utilities be placed underground if physically and economically feasible. The Project conforms to Section 515 as all utilities lines would be placed underground or screened from public view.

**(l) Section 516 – Parking and Loading Facilities**

Section 516 requires that all parking be provided in consistent with the standards of the LAMC and that parking and loading areas be screened/out of view from the public. As shown in the Exhibit A – Site Plans, the Project would provide commercial and residential parking that meets the requirements of the LAMC. Parking for the Project would be located all on site, within six subterranean levels and eight levels within the podium. All parking uses within the podium would be screened and out of sight from public view. In addition, the loading area for the commercial ground floor space would be located in the alley, which would not interfere with the public use of the sidewalks. Therefore, the Project conforms with Section 516 of the Redevelopment Plan.

**(m) Section 517 – Setbacks**

Section 517 requires that all setback areas be landscaped, paved for accessibility, and maintained by the owner. As shown in Exhibit A – Site Plans, the Project would include a The Olympic Tower project is unique in that the building's proposed exoskeleton will enhance adjacent sidewalks and pedestrian-oriented frontages along Olympic Boulevard and Figueroa Street. In these areas, the exoskeleton structure will be vaulted 40 feet high along levels 1 and 2 and extend 8.5 feet from the façade to provide additional shading and covering to a sidewalk easement area. This covered area will total approximately 5,000 square feet and will be porous and open to the public sidewalk and will effectively function as publicly accessible open space.

Landscaping and public signage will highlight primary entrances to the retail and commercial spaces, the hotel lobby, and residential entrances. The covered area will also provide opportunities for active pedestrian-oriented uses and amenities, including outdoor dining and seating along Olympic Boulevard and Figueroa Street. As pedestrians travel through this space, they will be surrounded by an attractive streetscape along Olympic and Figueroa and open and transparent double-height shopfronts on the Project's ground floor. All setbacks would be consistent with existing zoning and the requirements of the Downtown Design Guide. Therefore, the Project conforms with Section 517 of the Redevelopment Plan.

**(n) Section 522 – Design Guidelines and Development Controls**

Section 522 requires that all new improvements to existing and proposed developments be in accordance with the Redevelopment Plan and any other applicable design guidelines and development controls. As clarified by CRA/LA, land use regulations, shall defer to and are superseded by the underlying General Plan, Community Plan, and Zoning Ordinance, including the codified sections of the current Downtown Design Guide. The Project would include a publicly accessible breezeway, streetscape improvements along all the street frontages, and a modern building design with residential and restaurant/retail street fronts in support of a pedestrian-oriented ground floor design. The Project is

consistent with the design guidelines and standards in the Downtown Design. Therefore, the Project conforms to Section 522 of the Redevelopment Plan.

**(o) Section 523 - Variances, Conditional Use Permits, Building Permits and Other Land Development Entitlements**

Section 523 requires that no zoning variance, conditional use permit, building permit, demolition permit or other land development entitlement be issued without approval from the CRA/LA. The Project requests the following entitlements: TFAR, Master Conditional Use for alcohol, Conditional Use to allow dancing within commercial areas, a Director's Determination to provide less than the required on-site trees, A Director's Determination to provide alternative siting for Bicycle Parking and Site Plan Review. As stated in Ordinance No. 186325, the City Planning Department has assumed the roles and authority of the former CRA/LA, so the City Planning Department would ensure that all entitlements are consistent with the intent of the Center City Redevelopment Plan. Therefore, the Project conforms to Section 523 of the Redevelopment Plan.

**c. The Transfer serves the public interest by complying with the requirements of section 14.5.9 of the LAMC.**

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

The Transfer serves the public interest by facilitating a Project that will contribute to the sustained economic vitality of the Central City area, and by contributing a total Public Benefit Payment of \$23,203,404.68 (based on a formula that includes the Transfer of 556,987 square feet), in accordance with LAMC Section 14.5.9, and a TFAR Transfer Payment of \$2,275,805 (based on the Transfer of 455,161 square feet from the Convention Center multiplied by \$5), in accordance with LAMC Section 14.5.10. The Public Benefit Payment consists of a 50 percent cash payment of \$11,601,702.34 to the Public Benefit Payment Trust Fund, and 50 percent of the payment for public benefits to be paid directly to the Los Angeles Housing and Community Investment Department Affordable Housing Trust Fund, providing affordable housing in the area, both a goal of the City and identified need across the region. Below is a summary of the plan.

As such, the Transfer of Floor Area serves the public benefit interest as it complies with the specific requirement for the transfer to occur.

<b>Olympic Tower Public Benefit Payment Transfer Plan</b>		
Total Public Benefit Payment 100%		\$23,203,404.68
Public Benefit Cash Payment 50%		\$11,601,702.34
Public Benefit Direct Provision 50%		\$11,601,702.34
<b>Allocation of Public Benefit Direct Provision</b>		
HCID Affordable Housing Trust Fund	100%	\$11,601,702.34



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

The Project Site is located within the Central City Community Plan and has a Regional Center Commercial and High Density land use designations. The Central City Community Plan describes the Transfer of Floor Area Ratio (TFAR) as follows (page III-19):

"The transfer of floor area between and among sites is an important tool for Downtown to direct growth to areas that can best accommodate increased density and from sites that contain special uses worth preserving or encouraging."

The transfer is in conformance with the Central City Community Plan and other relevant policy documents in that the Community Plan provides for transfers of floor area up to 13:1 floor area ratio on parcels in Height District 4D and that the transfer allows for the project to advance a number of specific objectives and policies contained in the Community Plan, including:

Central City Community Plan

**Residential**

**Objective No. 1-1:** To promote development of residential units in South Park.

**Objective No. 1-2:** To increase the range of housing choices available to Downtown employees and residents.

**Commercial**

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

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

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

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

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

The mixed-use Project supports Objective 1-1 and Objective 1-2 by providing up to 374 residential units within a high-rise tower arranged on the Project Site. Within the tower, a mix of one-, two-, and three-bedroom units would be provided. By providing a range of unit and bedroom sizes, and its location in the South Park neighborhood of the Community Plan, the project supports both Objective 1-1 and Objective 1-2.

The Project would also support Commercial Objectives 2-2 and 2-4 as the project provides 65,074 square feet of new commercial space as well as 33,498 square feet of office, supporting the existing commercial base in Central City as well as offering opportunities for new uses. The amount of commercial space allows for flexibility in leasehold sizes, and thereby uses, supporting both new and current uses in the Central City area. The Project is also seeking a Conditional Use to serve alcoholic beverages as well as dancing

and live entertainment, further allowing for flexibility in uses between retail and restaurant uses and helping to create an active, 24-hour Downtown. The addition of new uses, as well as up to 374 residential units in the South Park neighborhood supports the existing retail base by strengthening current and creating new residential demand for goods and services, as well as creating synergy between different commercial uses in the area, including LA Live, Staples Center, and the Convention Center.

The Project also complies with Objectives 2-3 and Policy 2-3.1 by creating a 373-room hotel and 98,572 square feet of commercial uses (retail, restaurant and office) located one block from LA Live, Staples Center, and the Convention Center. The proximity to this entertainment district would locate both visitors and residents adjacent to Downtown and the Los Angeles Convention Center, which host various businesses, conventions, trade shows, and tourist destinations, both providing a linkage to the Figueroa corridor. The Project will incorporate sidewalk treatments, an open-air arcade, and landscaping throughout the Project Site and perimeter that will encourage pedestrian street activity to help achieve Policy 2-3.1. The hotel and commercial uses will help create a vibrant 24-hour downtown environment that will serve the residents and employees of the South Park area, as well as tourism to achieve Objective 2-4 and Objective 2-4.1

The Project would locate additional residents, commercial uses, and a hotel in close proximity to both the Convention Center and Downtown; and additional residents in the area, providing commercial uses to meet new and current resident and visitor needs, supporting the Convention Center and the Los Angeles Sports and Entertainment District and contributing to a 24-hour Downtown environment.

Therefore, the Project is consistent with the Central City Community Plan.

## **2. Conditional Use Beverage Findings**

The following are the findings for an MCUP and CUX, as required by LAMC Section 12.24 W.

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

The Project includes demolition and removal of all existing development on the Project Site and development of a single 57-story high-rise building containing up to 65,074 square feet of retail/commercial space (in three stories); 33,498 square feet of office space (in six stories); 10,801 square feet of hotel conference center/ballroom space (on one story); 8,448 square feet of residential condominium amenities (on the same story as the hotel conference center); 373 hotel rooms (216,065 square feet in 17 stories, including lobby/amenities level); 374 residential condominium units (435,731 square feet in 24 stories); and 9,556 square feet of penthouse amenity area (in two stories) for a project total of 779,173 square feet of total floor area. A six-level subterranean parking garage would be located beneath the building, and eight levels of above ground parking would be provided within the podium level of the building. Six levels of the above ground parking would be wrapped with office uses on the Olympic Boulevard street frontage. Two additional stories dedicated to mechanical facilities would also be included in the proposed structure. The project proposes a floor area ratio (FAR) of up to 13:1.

LAMC Section 12.24 W.1 allows a Conditional Use Permit to be granted for the sale and dispensing of alcoholic beverages. The Project requests a Master Conditional Use to

permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption for four establishments, and on-site consumption for up to sixteen establishments. On-site consumption would be provided for the hotel (including, but not limited to, lobby, lobby bar, pool/ pool deck, spa, etc. and portable units to serve alcohol for on-site consumption anywhere within the hotel use), for mini-bars within each hotel room or suite, for up to two (2) restaurants or bars within the hotel area, for the conference center or ballrooms within the Project site, for condominium uses (including, but not limited to, lobby, lobby bar, pools, pool decks, outdoor recreational space, sky lounge, etc.) and for up to ten (10) restaurants or bars located anywhere within the commercial or office areas of the Project, including, but not limited to, outside areas, sidewalks, or rooftop areas. Off-site consumption would occur for up to four (4) retail uses located anywhere within the Project site, including, but not limited to, the hotel, residential, or commercial uses. In conjunction with alcohol-related uses is a request for a Conditional Use Permit to allow dancing within the project's commercial and hotel uses.

The Project Site is located adjacent to the LASED, within the South Park neighborhood both of which have undergone significant changes in recent years, and are now characterized by large mixed-use developments, sports venues, entertainment venues, commercial uses, and restaurant uses. Additionally, a number of new hotels have been built in the area supporting the Convention Center. Additionally, as the Project is intended to support the LASED and Los Angeles Convention Center with its proposed hotel use, the up services would further augment this intent. Providing additional restaurant options works to increase the attractiveness of both the LASED and Los Angeles Convention Center, further supporting area businesses, and the City. Restaurant uses with alcoholic services, as well as various hotel functions are necessary to support and provide amenities for the hotel use as proposed and consistent with various hotels in the area. Furthermore, concentration of alcoholic services in restaurants and entertainment venues is an integral part of the District and its attractiveness as a destination, is located directly south of the project site on the south side of Olympic Boulevard. This proximity makes the site important to the continued development of the LASED; the uses comprising the project augment, and additional alcohol services would further support the LASED as a 24-hour entertainment district.

The restaurants will also provide a beneficial service for the residents, employees, and visitors to the area, and the availability of alcohol sales is a desirable amenity that is typical of many restaurants. The proposed alcohol service, including dancing, will improve the viability and desirability of the proposed restaurants and hotel. Further, as conditioned, the sale of alcoholic beverages will occur within a controlled environment within the store by trained employees, subject to security measures, limited hours of operation, STAR training, inspections, and evaluations of any nuisance complaints. The service of alcoholic beverages in food establishments has become accepted as a desirable and expected use that is meant to complement food service. Since alcoholic beverage service is a common and expected amenity with meal service for many patrons. Hotel uses traditionally offer alcohol services as well, providing for full service accommodations to visitors. The proximity to the Los Angeles Sports and Entertainment District and Los Angeles Convention Center further create an appropriate atmosphere for the alcohol service, as well as expectations of alcoholic services in hotels and uses within entertainment, sports, and convention uses. Therefore, the grant for alcohol sales and dancing will be desirable to the public convenience and welfare and represents good zoning practice.

Therefore, as conditioned, the service of alcoholic beverages to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption for up to four

establishments, and on-site consumption for up to sixteen establishments, including dancing, will enhance the built environment in the surrounding neighborhood and provide a service that is beneficial to the community, city or region.

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

The Project includes demolition and removal of all existing development on the Project Site and development of a single 57-story high-rise building containing up to 65,074 square feet of retail/commercial space (in three stories); 33,498 square feet of office space (in six stories); 10,801 square feet of hotel conference center/ballroom space (on one story); 8,448 square feet of residential condominium amenities (on the same story as the hotel conference center); 373 hotel rooms (216,065 square feet in 17 stories, including lobby/amenities level); 374 residential condominium units (435,731 square feet in 24 stories); and 9,556 square feet of penthouse amenity area (in two stories) for a project total of 779,173 square feet of total floor area. A six-level subterranean parking garage would be located beneath the building, and eight levels of above ground parking would be provided within the podium level of the building. Six levels of the above ground parking would be wrapped with office uses on the Olympic Boulevard street frontage. Two additional stories dedicated to mechanical facilities would also be included in the proposed structure. The project proposes a floor area ratio (FAR) of up to 13:1.

The Project Site is located in a highly urbanized area dominated by commercial development. The Project Site is bounded on each side by a public right-of-way, and located directly north, across Olympic Boulevard from LA Live, and the larger Los Angeles Sports and Entertainment District (LASED). The LASED includes Staples Center, LA Live, the Microsoft Theater, and restaurant and commercial uses adjacent to the Project Site. The proposed Project is transit accessible and is in close proximity to many bus transit lines, MTA rail lines (Metro Rail) and DASH service. The Metro Rail Expo and Blue Lines run beneath Flower Street, one block to the east of the Project site. The Pico Station is located on these lines approximately 0.4 miles (three blocks) south of the Project site. The 7th Street/Metro Center station, which serves the Expo and Blue Lines as well as the Red, Purple, and is located approximately 0.35 miles (four blocks) northeast of the Project site. 7th Street/Metro connects passengers to Pasadena, East Los Angeles, Long Beach, Culver City, Santa Monica, Hollywood, Korea Town, and North Hollywood. Prior to project build out, Metro forecasts 2021 as completion of construction of the Regional Connector Project, which would expand service by connecting the Gold, Blue, and Expo Light Rail Lines expanding destinations at both stations, projected operation is 2021.

Immediately to the north of the project site is the 13-story Hotel Figueroa, located at 939 S. Figueroa Street. Across Figueroa Street is the 26-story 717 West Olympic Boulevard tower, which includes a bank on the ground level. Located south of the project site is the Los Angeles Sports and Entertainment District and Los Angeles Convention Center, consisting of various large entertainment and sports related uses. To the west of the project site, across the Cottage Place alley, is a surface parking. Directly adjacent to the Hotel Figueroa is a proposed project application for a mixed-use project consisting of 220 room hotel, 200 residential condominiums, and 984,940 square feet of commercial space. Additionally, across Georgia Street is a proposed 247-room hotel. The surrounding area is generally zoned C2-4D, LASED, and is designated Regional Commercial Center land use. The nearest public schools (e.g. Los Angeles Universal

Pre-School, Tenth Street Elementary School) are located 0.2 miles and a half mile away from the project site, respectively.

Redevelopment of the carwash and restaurant as well as the associated surface parking lot will also increase street activity by introducing a new building with a mix of uses that would remain open 24-hours a day and seven days a week, thereby providing a 24-hour presence and more eyes on the street to create a safer environment. The Project locates residential density, hotel, office and new commercial uses near several transit options that afford easy access to employment centers, entertainment, and services; promotes pedestrian activity in the general area by developing a vacant infill site; and provides a gathering point with new recreational and open space amenities available to residents and hotel guests. The sale, dispensing, and consumption of alcoholic beverages, as well as the option to provide dancing will be an incidental amenity for residents and hotel guests of the Site and will provide a new amenity for those who are visiting the downtown area.

No evidence was presented at the Hearing Officer hearing or in writing that the sale of alcoholic beverages for on- and off-site consumption will be materially detrimental to the immediate neighborhood. The sales of alcohol will not be detrimental to nearby schools, since the establishments serving alcohol will be carefully controlled and monitored, and will be located at least a 1,000 feet away and buffered throughout this distance by a wide variety of existing commercial and residential uses. The project has been designed in a manner to enhance the public realm and improve the aesthetics and safety of the surrounding area. The inclusion of alcohol uses will allow for added vibrancy within the project, which is appropriate for a mixed-use transit priority project in a Regional Commercial Center. Furthermore, the location of the project site in close proximity to the LASED, characterized by primarily non-residential uses, or high-density residential uses, with numerous alcohol serving establishments nearby. Additional schools are unlikely to be located in the District, or immediately adjacent to the Project Site. Any establishments serving alcohol will be carefully controlled and monitored, while being compatible with immediately surrounding commercial uses consisting of the LASED, Los Angeles Convention Center, hotels, retail shops, restaurants and multi-family residential. The Proposed Project will provide a place for residents, workers and visitors to eat, drink, and socialize; as such, the sale of alcoholic beverages is a normal part of restaurant and hotel operation and an expected amenity.

Additionally, the conditions recommended herein will ensure that the establishment will not adversely affect or further degrade the surrounding neighborhood, or the public health, welfare, and safety. Approval of the conditional use will contribute to the success and vitality of the commercial development and help to reinvigorate the site and vicinity. Since the alcohol sales will be in conjunction with food service, and hotel uses, therefore, permitting alcohol sales on the site will not be detrimental to the development of the community.

Thus, as conditioned, the Project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. Furthermore, this grant also includes conditions of approval intended to address alcohol-related issues to safeguard public welfare and enhance public convenience, such as proper employee training. In addition, as each operator comes in, they will be required to file a plan approval to allow for the Zoning Administrator to review the floor plan, and impose any other conditions as deemed appropriate.

As discussed above, the Project's conditions will be supplemented by more specific conditions designed to address the characteristics of each individual establishment at Plan Approval which will be required, prior to the effectuation of the approval for each respective tenancy identified above. Under these Plan Approvals, the Zoning Administrator and LAPD will have the opportunity to comment and recommend any additional conditions, as warranted. It should be noted that approval of entertainment uses as defined in LAMC 12.14 A.10 is not required, as these uses are permitted in a C2 Zone. Further, the sale of alcohol is regulated by the State of California through the issuance of an Alcohol Beverage Control (ABC) license. Thus, as conditioned, combined with the enforcement authority of ABC and LAPD, the approval for the sale of alcohol will not be detrimental to the public health, safety and welfare.

The location of the project's alcohol-sale will continue to add to the diversification of commercial activities being conducted in the area and will not adversely affect the surrounding neighborhood. As mentioned, the alcohol-sales will be compatible and complement the LASED and Los Angeles Convention Center. The proposed hours of operation are reasonable and the sale of alcohol is in conjunction with hotel and restaurant uses. Therefore, as conditioned, it is anticipated that the project features and uses will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or public health, welfare, and safety.

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

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC).

The Project site is located within the Central City Community Plan. The parcel is zoned C2-4D and is designated for Regional Center Commercial land uses. The proposed project will provide 65,074 square feet of commercial retail and restaurant uses along with required parking facilities.

The Project Site is located within the Central City Community Plan area, which designates the Site for Regional Center Commercial land uses corresponding to the CR, C1.5, C2, C4, C5, RD, R4, R5, RAS3, and RAS4 and High-Density Residential land uses with corresponding zone of R5.

The Project includes a 57-story, high-rise building consisting of 65,074 square feet of retail/commercial space, 33,498 square feet of office space, 373 hotel rooms, and 374 residential condominium units. The C2 Zone allows for restaurants/bars, hotel uses, and ballrooms uses and the service of alcoholic beverages through a Conditional Use approval.

The Central City Community Plan text is silent with regards to alcohol sales. In such cases, the decision-maker must interpret the intent of the Community Plan. The proposed request for the sale, dispensing, and consumption of a full line of alcoholic beverages and public dancing in conjunction with the hotel and restaurants/bars are consistent with the following Central City Community Plan objectives, including:

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

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

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

The Project is a mixed-use development that will provide hotel, residential, office and restaurant uses and will be located in an area with a mix of regional entertainment facilities, adjacent to the LASED, hotels, office buildings, ground floor retail, and commercial buildings. The Community Plan encourages new uses, which strengthen the economic base and promote land uses that address the needs of all downtown visitors.

The Project promotes land uses that will be consistent with existing uses, meet the needs of workers, residents, and visitors to downtown, and provide a mix of uses which result in a 24-hour downtown environment. The sale, dispensing, and consumption of a full-line of alcoholic beverages and dancing, in conjunction with the operations of the proposed hotel use, restaurant/bar uses and the banquet room, will be an added amenity for residents and patrons of the Project.

The approval of the requested Master Conditional Use Permit for the sale and consumption of alcohol and the Conditional Use Permit to allow dancing within the project's commercial areas for restaurant, hotel and bar uses will thus further the downtown neighborhood's role as a major population, employment and entertainment center and will result in a development that addresses the needs of the existing business and residents in the area as well as the projected growth in downtown Los Angeles. Therefore, the Project substantially conforms with the purposes, intent and provisions of the General Plan and the Community Plan.

The Project Site is an infill site. The Project's density will be consistent with the neighborhood density and contribute to the Central City's competitiveness by introducing new hotel, residential, and restaurant uses. The adopted Central City Community Plan designates the Project Site for Regional Center Commercial with a corresponding zone of C2-4D (Commercial, Height District 4 with D Development Limitation). The Commercial zones permit a wide array of land uses, such as retail stores, offices, hotels, schools, parks, and theaters. The C2 zone also allows any land use permitted in the C1.5 and C1 Zones, which, in turn, allow R4 and R3 Multiple Dwelling Zones, which include multiple dwelling units. Height District 4 within the C2 Zone does not impose any height limit with a maximum FAR of 13:1. However, while Height District 4 permits a FAR of 13:1, the maximum permitted floor area of the Project Site is further restricted by the D Limitation, which restricts the FAR to 6:1 without a transfer of floor area (per Ordinance 164,307). A Transfer of Floor area from the City of Los Angeles-owned Convention Center has been proposed, thereby permitting a maximum 13:1 FAR, in lieu of the otherwise permitted maximum 6:1 FAR.

As discussed above, the Project is consistent with the surrounding development located in the South Park neighborhood within the Central City Community Plan.

**Additional required findings for the sale of alcoholic beverages:**

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



The subject property is located directly across the street from LASED and Los Angeles Convention Center, as well as adjacent to various hotel and entertainment uses. Multi-family residential, commercial, and SR-110 (Harbor Freeway) are also located in the vicinity of the Project Site. A variety of commercial uses are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood, especially entertainment districts, such as the LASED, as well as supporting hotel uses. As the LASED is one of the premiere entertainment destinations, alcohol services are common in the vicinity, and even necessary for the entertainment uses in the District. Furthermore, the Project Site is located in close proximity to Downtown, which also offers various 24-hour amenities. The surrounding area is characterized by various alcohol related uses; the introduction of another such establishment would not create an adverse or unique condition. As conditioned, the sale of a full line of alcoholic beverages for on-site and off-site consumption in conjunction with the operation of new restaurants, hotel amenities, and any off-site sale establishments located on the Project Site will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, escort services, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees are required to undergo training on the sale of beer and wine including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the residential community. Therefore, with the imposition of such conditions the sale of a full line of alcoholic beverages for on-site consumption at this location will further support and augment the Los Angeles Sports and Entertainment District, and not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

- e. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria in 2017, two (2) on-sale and one (1) off-sale licenses are allocated to Census Tract No. 2077.10. There are currently a total of 112 licenses (98 on-site and 14 off-site) in this Census Tract. In addition, 10 restaurants, bars, and markets within 600 and 1,000 feet serve alcohol.

According to statistics provided by the Los Angeles Police Department's Central Division, within Crime Reporting District No. 171, which has jurisdiction over the subject property, a total of 274 crimes were reported in 2017 (108 Part I and 166 Part II crimes), compared to the total citywide average of 191 crimes for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (0), Manslaughter (0), Rape (3), Robbery (3), Aggravated Assault (7), Burglary (3), Auto Theft (4), Larceny (88). Part II Crimes reported include, Other Assault (22), Forgery/Counterfeit (2)

Embezzlement/Fraud (2), Stolen Property (1), Weapons Violation (1), Prostitution Related (6), Sex Offenses (5), Offenses Against Family (1), Narcotics (7), Liquor Laws (23), Public Drunkenness (3), Disturbing the Peace (0), Disorderly Conduct (41), Gambling (0), DUI related (5), Moving Traffic Violations (3), and other offenses (37). Of the 247 total crimes reported for the census tract, five arrest were made for driving under the influence and 3 for public drunkenness.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. No information was provided by LAPD showing that the approval of the Master Conditional Use Permit would negatively impact the neighborhood. Of the 247 arrests in the crime district, only 11 percent (31) of the total were for alcohol-related offenses, and five (5) were for driving under the influence (DUI). The above figures indicate that the mixed-use development is located in a high crime reporting district. Due to high crime statistics, conditions typically recommended by the Los Angeles Police Department, such as those related to the STAR Program and age verification, have been imposed in conjunction with this Master Conditional Use Permit approval. Each establishment is part of a larger development will benefit from oversight of the building complex as a whole. Any concerns associated with any individual venue can be addressed in more detail through the Approval of Plans determination which is an opportunity to consider more specific operational characteristics as a tenant is identified and the details of each venue are identified. Security plans, floor plans, seating limitations and other recommended conditions, as well as the mode and character of the operation, will be addressed and assured through site specific conditions.

- f. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The Project Site is zoned for commercial uses and will continue to be utilized as such with the development of new restaurant uses on the project site. With regard to surrounding sensitive uses, there are the following within a 1,000-foot radius of the site:

Within 600 feet:

- Salvation Army (832 W. 9th St.)
- First United Methodist Church (1020 S. Flower St.)

Within 1000 feet:

- Grand/ Hope Park (919 S. Grand Ave.)

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. Both the Salvation Army and First United Methodist Church are located over 500 feet away from the proposed project. As conditioned, the Project would protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The Project is consistent with the zoning and in keeping with the existing uses adjacent to the development and will contribute to a neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the Project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

### 3. Site Plan Review Findings

In order for the Site Plan Review to be granted, all three of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative.

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

The Project proposes to develop a mixed-use project (Project) on a 37,031 square-foot site (0.85 acres) located within the Central City Community Plan area of the City of Los Angeles (City). The proposed Project is a mixed-use development consisting of one building with 374 residential condominium units, a hotel with 373 guest rooms, a 10,801 square foot conference center, 33,498 square feet of office uses, and 65,074 square feet of commercial floor area. The building will be 57 stories and approximately 742 feet tall. The ground floor will include 20,745 square feet of commercial uses, and elevator lobbies for the offices, hotel and residential uses. There will also be mechanical rooms, valet parking and driveway ramps to the parking within the building. The second and third floors will include approximately 44,329 square feet of commercial uses. Levels 4 and 5 will be devoted to automobile parking. Levels 6-11 will include offices and parking on each floor. Level 12 is devoted solely to mechanical equipment. Level 13 will be devoted to indoor and outdoor open space (including a pool) and amenities for the residential units in the building along with a ballroom/conference center to support the hotel. The 14th floor includes the lobby for the hotel, a restaurant space and indoor and outdoor amenities for the hotel guests, including a pool. Levels 15-30 consists of hotel guest rooms. Level 31 is another transition floor devoted solely to mechanical equipment to serve the building. The 374 residential condominium units will be located on levels 32-55. Level 56 will include indoor and outdoor amenities for residents, including a pool for the use of the penthouse units located on levels 48-55. On the top level (57th floor) an indoor club house will be located for use of the residential tenants of the building.

The proposed mixed-use project is consistent with the General Plan Framework Element, the Center City Community Plan, the Housing Element, and the City Center Redevelopment Plan discussed below:

#### **Framework Element**

The General Plan Framework, last adopted in August 2001, establishes the City's long-range comprehensive growth strategy and provides guidance on citywide land use and planning policies, objectives, and goals. The Framework defines Citywide policies for land use, housing, urban form and urban design, open space and conservation, transportation, infrastructure and public spaces. The project is consistent with the following goals, objectives and policies of the Framework Element as described below.

#### **Land Use Chapter**

The Framework Element's Land Use Chapter (Chapter Three) establishes general principles to encourage growth and increase land use intensity around transit nodes, to create a pedestrian oriented environment while promoting an enhanced urban experience and provide for places of employment. The Project Site is designated as Regional Center Commercial in the Central City Community Plan. The Framework Element's Land Use Chapter identifies Regional Centers as the focal points of regional

commerce, identity, and activity. The Framework Element further states that regional centers, typically, provide a significant number of jobs and many non-work destinations that generate and attract a high number of vehicular trips. Consequently, each center shall function as a hub of regional bus or rail transit both day and night. Good quality street, area, and pedestrian lighting is essential to generating feelings of safety, comfort, and well-being necessary for ensuring public nighttime use of transit facilities. Per the Framework Element, regional centers are typically high-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City. Generally, regional centers will range from FAR 1.5:1 to 6:1 and are characterized by six- to twenty-story (or higher) buildings as determined in the Community Plan. Their densities and functions support the development of a comprehensive and inter-connected network of public transit and services.

The Proposed Project is consistent with and meets the goals of the Regional Center designation by providing a mixed-use project with up to up to 374 residential units, 373-room hotel, and 98,572 square feet of commercial use. The Project is located within approximately 2,000 feet of both 7<sup>th</sup> Street/Metro Center Station and Pico Station, both served by the Metro Blue and Expo Light Rail lines, with 7<sup>th</sup> Street/Metro Center also served by the Metro Red and Purple Lines. The project site is served by multiple Metro, LADOT, and municipal bus routes, as well as the Metro Silver Line limited-service bus line. The project site is located adjacent to the Los Angeles Sports and Entertainment District, adjacent to numerous commercial and entertainment destinations, as well as Staples Center and the Los Angeles Convention Center. The project will provide pedestrian amenities with improved streetscape treatments, ground level retail along Figueroa Street and Olympic Boulevard, and publically accessible open space within the arcades along both streets. The Project proposes a 13:1 FAR after a Transfer of Development Rights. The project is therefore consistent with the appropriate land uses for the Regional Center land use designation as envisioned in the Framework Element.

The project meets the following objectives and policies set forth in the Framework Element's Land Use chapter.

*Regional Centers:*

General Plan Framework's land use objectives and policies for the Regional Center Commercial designation.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

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

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

The Project would integrate housing with commercial uses and amenities in proximity to local and regional public transit, including less than 1,500 feet from the 7<sup>th</sup> Street/Metro Center transit hub with access to the Metro Red, Purple, Blue, and Expo Line rail transit as well as numerous bus lines. The Project is also less than 1,500 feet from the Pico Station, which is served by the Metro Blue and Expo Lines. The Project is also located on the same block as the MyFig project, which offers expanded transit amenities, such as bus lanes, bus boarding islands, as well as bicycle lanes, and wayfinding signage. The project would be pedestrian-oriented with access to the site from all of the surrounding streets, and entrances to commercial spaces along Olympic Boulevard. A publicly accessible arcade along both Olympic Boulevard and Figueroa Street would be designed to complement and respond to the adjacent LA Live Entertainment District, and would provide linkages to LA Live, Downtown Los Angeles, MyFig, and other surrounding uses. The Project will locate multi-family residential units, retail, and restaurant uses adjacent to these regional mobility amenities, further promoting pedestrian activity and multi-modal accessibility for residents and visitors, ensuring complementary and supportive uses within the regional center designation. Additionally, the addition of a hotel, open space, and additional residents supports the Los Angeles Sports and Entertainment District by siting a hotel, retail commercial, office and restaurant uses, as well as additional residents within the district. Generally, regional centers are characterized by six- to 20-story (or higher) mid- and high-rise buildings with a floor-to-area ratio of 1.5:1 to 6:1 as determined in the Community Plan.

*Distribution of Land Use:*

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses and visitors.

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled and air pollution.

Objective 3.4: Distribution of Land Use: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

The Proposed Project complies with the intent of the objectives listed above related to distribution of land. The projects contains residential and retail development located on the same site within the South Park neighborhood of the Central City Community Plan Area. The Project Site is located adjacent to the LASED, as well as walking distance to Downtown, 7<sup>th</sup> Street/Metro Center, and Pico Station, providing connections throughout the region, and access to a myriad of commercial uses in Downtown Los Angeles. The proposed hotel use would develop up to 373 rooms hotel rooms within walking distance of the Convention Center, as well as residential and commercial uses, in a transit-rich, Downtown-adjacent LASED. The Project will provide visitors, current and future

residents with transit accessible employment, hotel, commercial, and residential uses. The project proposes up 374 new residential units, supporting the needs of current and future residents, and contributing to the Mayor's Goal 1 of Executive Directive 13 of 100,000 new housing units by 2021.

### *Urban Form and Neighborhood Design Chapter*

*Goal 5A: A livable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.*

*Objective 5.2 Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.*

*Objective 5.5: Enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.*

*Objective 5.9: Encourage proper design and effective use of the built environment to help increase personal safety at all times of the day.*

*Policy 5.9.2: Encourage mixed-use development which provides for activity and natural surveillance after commercial business hours through the development of ground floor retail uses and sidewalk cafes. Mixed-use should also be enhanced by locating community facilities such as libraries, cultural facilities or police substations, on the ground floor of such building, where feasible*

The Proposed Project complies with the intent of the goal, objectives, and policy listed above by developing a high-quality mixed-use structure, with architectural elements which complement and respond to the surrounding area, and the continued architectural evolution of the South Park neighborhood. The ground floor and arcade respond to both elements and needs of the South Park neighborhood. The tower level responds to both new high-rise mixed-use developments in South Park, as well as the more established Downtown Core. The Project also improves the public realm and safety of the area by providing publicly accessible open space in the form of an arcade along Figueroa Street and Olympic Boulevard, as well as by embracing the bustling pedestrian activity on Olympic and Figueroa by offering retail and restaurant opportunities at the ground level and upper two floors. These floors are designed to invite visitors in from the street and then encourage pedestrian flow throughout the Project, including the main lobbies. In addition to pedestrian scale lighting, the project will add more "eyes on the street" from the podium level uses, as well as streetscape improvements along Olympic Boulevard and Figueroa Street, which both add to the quality and safety of the public realm and area.

The Project's distinct architecture and unique arrangement additionally compliment and respond to the existing LASED, providing both an additional destination in the District, as well as additional hotel space, complementing in both use and architecture the LASED and its surrounding uses, amenities, and attractions.

### **Open Space Chapter**

*Objective 6.2: Maximize the use of the City's existing open space network and recreation facilities by enhancing those facilities and providing connections, particularly from targeted growth areas, to the existing regional and community open space system.*

*Policy 6.4.7: Consider as part of the City's open space inventory of pedestrian streets, community gardens, shared school playfields, and privately-owned commercial open spaces that are accessible to the public, even though such elements fall outside the conventional definitions of "open space." This will help address the open space and outdoor recreation needs of communities that are currently deficient in these resources.*

The Project includes publicly accessible open spaces along Figueroa Street and Olympic Boulevard. The total publically accessible open space is 5,000 square feet, in the form of an arcade along Olympic Boulevard and Figueroa Street. The Project will provide residential open space in excess of code requirements: based on the number of units and the mix of unit types, 42,650 square feet of open space is required, and a total of 73,848 square feet of open space will be provided in amenities and private balconies throughout the residential portions of the building.

The project includes several open space amenities for residents, including Level 13 which will be devoted to indoor and outdoor open space (including a pool) and amenities for the residential units in the building along with a ballroom/conference center to support the hotel. The 14<sup>th</sup> floor includes the lobby for the hotel, a restaurant space and indoor and outdoor amenities for the hotel guests, including a pool. Level 56 will include indoor and outdoor amenities for residents, including a pool for the use of the penthouse units located on levels 48-55. On the top level (57<sup>th</sup> floor) an indoor club house will be located for use of the residential tenants of the building.

### **Economic Development Chapter**

*Goal 7A: A vibrant economically revitalized City.*

The Project proposes the demolition of an existing 13,130 square-foot carwash and restaurant, for the construction of 779,173 square-foot, mixed-use development. The development would contain up to 374 residential condominiums, 373 key hotel, and up to 98,572 square feet of commercial space. The additional residents, employees, and hotel guests would be located within walking distance to businesses, amenities, and attractions in Downtown, the LASED, as well as various transit options with connections throughout the region. Additionally, hotel rooms and supporting uses would be in close proximity to the Los Angeles Convention Center, further supporting the City's Convention Center and associated uses.

*Goal 7B: A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.*

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

*Policy 7.2.3: Encourage new commercial development in proximity to rail and bus transit corridors and stations.*

*Policy 7.2.5: Promote and encourage the development of retail facilities appropriate to serve the shopping needs of the local population when planning new residential neighborhoods or major residential developments.*

The project will further the above Goals, Objective and Policies through the introduction of up to 374 residential condominiums, a 373-key hotel, and up to 98,572 square feet of commercial space, including retail, restaurant and office. The Project's convenient location



to rail and bus stops will allow residents and visitors easy access to the goods and services provided by the project. The commercial and hotel components of the project will provide long-term jobs in the area. The Project is consistent with the underlying commercial zoning, and is located within walking distance to numerous transit options. The additional commercial space, hotel and associated support amenities, are appropriate for the area, compliment the Convention Center located one block to the south, and offers additional opportunities for commercial space supporting LA Live. The mixed-use project will promote job creation and economic growth, strengthen the commercial sector, and contribute to a better balance of land uses that meets the needs of residents.

*Goal 7D: A City able to attract and maintain new land uses and businesses.*

The project will further the above goal through the introduction of a mixed-use development which would contain up to 374 residential condominiums, 373 key hotel, and up to 98,572 square feet of commercial space. Additionally, the Project supports the Los Angeles Sports and Entertainment District, as well as the Los Angeles Convention Center. The additional residents, hotel guests, commercial space, and employees will further support the Sports and Entertainment District and the South Park neighborhood.

*Goal 7G: A range of housing opportunities in the City.*

The project will provide a range of housing opportunities in the form of up to 374 new residential units within a mix of one-bedroom units, two-bedroom units, and three-bedroom units, on a site that currently does not contain residential units.

### **Housing Element**

The 2013-2021 Housing Element of the General Plan is the City's blueprint for meeting housing and growth challenges. The Housing Element identifies a need for more housing while Chapter 6 of the Housing Element lists the goals, objectives, policies and programs that "embody the City's commitment to meeting housing needs." The applicable housing goals, objectives and policies are as follows:

- |                       |  |
|-----------------------|--|
| <i>Goal 1:</i>        | <i>A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.</i> |
| <i>Objective 1.1:</i> | <i>Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.</i>  |
| <i>Policy 1.1.3:</i>  | <i>Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.</i>  |
| <i>Policy 1.1.4:</i>  | <i>Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.</i>  |
| <i>Goal 2:</i>        | <i>A City in which housing helps to create safe, livable and sustainable neighborhoods.</i>  |
| <i>Objective 2.2:</i> | <i>Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.</i>  |

*Policy 2.2.5: Provide sufficient services and amenities to support the planned population while preserving the neighborhood for those currently there.*

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

Through the development of up to 374 residential units, the Project will achieve Objectives 1-1 and 2.2 and Policies 1.1.3. and 1.1.4 by introducing residential uses to the site through a range of housing options with a mix of one-bedroom units, two-bedroom units, and three-bedroom units.

Policy 1.1.4 would be achieved, as the residential and commercial uses will be well served by transit, including the Pico Light Rail Station operated by Metro which serves the Blue Line and the Expo Line, the 7th Street/Metro Center Station which provides rail service to the Blue, Expo, Red, and Purple Lines, multiple Metro bus lines, and DASH services. The project is also adjacent to the MyFig project, which consists of expanded transit amenities, such as bus lanes, bus boarding islands, and wayfinding signage.

Furthermore, the project will include 65,074 square feet of commercial retail and restaurant space, and 33,494 square feet of office, supporting Objectives 2.2, 2.4, and Policy 2.2.5 by locating these commercial amenities within a mixed-use building with residential units, office and a hotel, in a transit oriented neighborhood, adjacent to the Los Angeles Sports and Entertainment District, thereby providing complementary uses to the existing neighborhood. The flexibility in configurations of commercial space resulting from a significant portion of the ground floor of the site dedicated to commercial space, allows for varying commercial and restaurant uses to respond to both the needs of the residents in the project as well as the South Park Neighborhood as a whole. This flexibility and diversity of uses further supports the achievement of Objectives 2.2, 2.4, and Policy 2.2.5, specifically, new restaurant, retail and office space will provide both employment opportunities as well as further promote the Los Angeles Sports and Entertainment District as a destination within the region.

### **Central City Community Plan**

The project site is located within the Central City Community Plan. The Plan designates the project site for Regional Center Commercial Land Uses with corresponding zones of CR, CR1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4, which allow for the project's proposed residential and commercial uses. The project site is currently zoned C4-2D. Although the existing "D" Development Limitation restricts the maximum floor area ratio (FAR) to 6:1, the "D" limitation allows for up to 13:1 FAR with a Transfer of Development Rights, which the project is seeking. As set forth below, the project is consistent with the Community Plan.

The Central City Community Plan text includes the following relevant land use objectives, policies and programs:

#### **Residential**

##### **Objective No. 1-1:**

To promote development of residential units in South Park.

##### **Objective No. 1-2:**

To increase the range of housing choices available to Downtown employees and residents.

#### **Commercial**

##### **Objective 2-2:**

To retain the existing retail base in Central City

<b>Objective 2-3:</b>	To promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows, and tourism.
<b>Policy 2-3.1:</b>	Support the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas of Central City and the Figueroa corridor.
<b>Objective 2-4:</b>	To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism

The proposed mix use project supports the objectives of the Central City Community Plan through the provision of the uses the Project proposes. Specifically, Objective 1-1 and Objective 1-2 will be supported through the development of up to 374 residential units. The Project proposes to arrange the residential units in a high rise tower arranged on the project site (57 stories). Within the tower a mix of one, two, and three bed-room units would be provided, By providing a range of unit and bedroom sizes, and its location in the South Park neighborhood of the Community Plan, the project supports both Objective 1-1 and Objective 1-2.

The Project would also support Commercial Objectives 2-2 and 2-4 as the project provides 98,572 square feet of new commercial space, supporting the existing commercial base in Central City as well as offering opportunities for new uses. The amount of commercial space allows for flexibility in leasehold sizes, and thereby uses, supporting both new and current uses in the Central City area. The project is also seeking a Conditional Use to serve alcoholic beverages and dancing/live entertainment, further allowing for flexibility in uses between retail and restaurant uses. The addition of new uses, as well as up to 374 residential units in the South Park neighborhood supports the existing retail base by strengthening current and creating new residential demand for goods and services, as well as creating synergy between different commercial uses in the area.

The project also complies with Objectives 2-3 and Policy 2-3.1. The project would create a 373-room hotel and 98,572 square feet of commercial uses located across from LA Live, Staples Center, and the Convention Center. The proximity to the entertainment district would locate both visitors and residents adjacent to Downtown and the Los Angeles Convention Center, which host various businesses, conventions, trade shows, and tourist destinations, both accessible from the Figueroa Corridor. The project will incorporate sidewalk treatments, and landscaping throughout the project site and perimeter that will encourage pedestrian street activity to help achieve Policy 2-3.1. The hotel and commercial uses will help create a vibrant 24-hour downtown environment that will serve the residents and employees of the South Park area, as well as tourism to achieve Objective 2-4.

#### City Center Redevelopment Plan

The current project supports and is consistent with the following objectives of the City Center Redevelopment Plan:

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

3. To create an environment that will prepare, and allow, the Central City to accept that share of regional growth and development which is appropriate, and which is economically and functionally attracted to it.
4. To promote the development and rehabilitation of economic enterprises including retail, commercial, service, sports and entertainment, manufacturing, industrial and hospitality uses that are intended to provide employment and improve the Project Area's tax base.
5. To guide growth and development, reinforce viable functions, and facilitate the redevelopment, revitalization or rehabilitation of deteriorated and underutilized areas.
6. To create a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing.
12. To provide a full range of employment opportunities for persons of all income levels.

The introduction of up to 374 residential units will support Objective 3, and proposed retail, restaurant and office commercial space, as well as hotel will support Objectives 2, 4, and 6. The new residential units the project proposes will support Objective 3 by offering various options for new residents, as well as offering new commercial space located in a transit rich area, siting new commercial growth in a location aligned with City plans and policies. Furthermore, the location and additional residential and commercial uses support Objectives 2, 4, and 6 by adding a new skyline defining development, on a lot zoned and intended for high-density uses not currently occupied by such development, supporting the greater Downtown area and South Park as regional destinations, and providing additional space for uses that complement the nearby Los Angeles Sports and Entertainment District. The Project would include a hotel, in addition to 374 residential units and 65,074 square feet of retail and restaurant space, that provide a 24-hour community in downtown located across from LA Live, the Convention Center, and Staples Center. The project will comply with Objective 5 as the site consist of a carwash and restaurant, that will be demolished and redeveloped with a mixed-use hotel, residential, office and commercial project guiding growth and development in the area. The project will achieve Objective 12 by generating new job opportunities associated with the 98,572 square feet of commercial space, and a 373 room hotel.

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

#### Height and Bulk

The Proposed Project's density and massing is appropriately scaled and compatible with existing and future surrounding multi-family and commercial uses. The Project proposes the demolition of an existing 13,130 square-foot carwash and restaurant, for the construction of a 779,173 square-foot mixed-use development. The development would include up to 374 residential condominiums, a 373-key hotel, and up to 98,572 square feet of commercial space within a 57 story high-rise tower including a twelve-story podium, for up to 779,173 square feet of floor area. The project's maximum floor area ratio (FAR) will be 13:1 with a maximum height of 742 feet.

The surrounding area is a highly-urbanized neighborhood that is characterized by a mix of land uses at various scales of development, including medium-density buildings, mid-rise residential buildings, high-rise mixed-use buildings, high-rise office towers, sports arenas, and the Los Angeles Convention Center. Northwest of the project site the Metropolis mixed-use development is operational, consisting of residential and hotel uses in four towers, the highest tower reaching 56 stories located at Francisco Street and James M. Wood Boulevard, directly north of the site. Also located nearby is the Circa development located at Flower Street and 12<sup>th</sup> Street consisting of two 35-story towers, Oceanwide Plaza is located across the street from the Circa development which is 53 stories at its tallest, Hope and Flower towers 31 and 40 stories tall located at 1212 Flower Street, and other multiple mid-rise residential developments throughout the South Park area. As well as the 54-story Ritz Carlton Hotel at the southeast corner of Georgia Street and Olympic Boulevard. The South Park neighborhood, as intended in the Community Plan, has seen a large number of additional residential units built in the past decade. The Project as proposed would follow this trend, consistent with the large scale high-rise mixed-use developments listed above, similarly located adjacent or in the Los Angeles Sports and Entertainment District. Furthermore, proposed development located at the northwest corner of James M. Wood Boulevard and Georgia Street, as well as two parcels north, on the north side of the Hotel Figueroa, each have mixed-use mid-rise or high-rise projects proposed, each with hotel components. Specifically, 926 James M. Wood Boulevard would include a 247-room hotel and amenities, and 913 South Figueroa Street would include 220-room hotel, and 200 residential units. The project as proposed is consistent with both existing and proposed development in the South Park Neighborhood, as well as additional development planned for the Downtown Area. Therefore, the Project will therefore be consistent with the scale and character of the surrounding area.

The proposed building is designed to be modern in style, and has been articulated along all street frontages through the use of a steel exoskeleton that wraps around the entire building envelope, eliminating the need for interior columns and culminating at the roof top with a steel trellis tying the vertical structural grid. The result is that the building's exterior is well-articulated, and is able to offer an expansive mid-tower atrium that will create new vantage points and give hotel guests and visitors sweeping views of the City. In accordance with the City's latest standards, the project achieves an articulated pinnacle by providing a fire elevator all the way to the top, negating the need for a roof top helistop. The project incorporates design elements that visually provide for transitions in height and massing. The presence of a large, elevated, landscaped atrium on the 13<sup>th</sup> floor softens the impact of a tall structure in relation to the surrounding buildings. The Project's bent geometry further softens the impact of the Project's mass and height. Olympic Tower is designed in a modern form and scale, yet it simultaneously references the existing historic structures nearby. At the street level on the Figueroa Street side, the Project respects its adjacency to the historic Hotel Figueroa's façade by incorporating a more sensitive scale of articulation at the lower levels and by having a podium that is slightly shorter than the existing hotel. In addition, the Project's tower is detached and separated above the Hotel Figueroa's roof level. Landscaping and vegetation are incorporated into numerous levels along the atrium to add additional visual interest and material diversity. A variety of building materials will be utilized to provide vertical and horizontal articulation on the proposed building elevations to create visual interest, and create an iconic building. Materials anticipated to be utilized include glass, metal, concrete and corrugated metal as well as vegetation. Additionally, commercial store fronts activate each of the Olympic Boulevard, and Figueroa Street frontages, while an arcade linear plaza at Figueroa Street and Olympic Boulevard further

activate the street level. At the tower level inset and external balconies that follow the exoskeleton grid, angular terraces, staggered tower placement, horizontal and vertical articulation at each tower level, and architectural treatments are employed to reduce massing and prevent uniformity of the structure, create a visually interesting development, and integrating the tower into the changing Downtown Skyline.

#### Parking and access

Vehicular access to the Project site would be provided at grade level via two new driveways on Cottage Place (alley). There is one existing curb cut on Olympic Boulevard that will be closed and there are no existing or proposed curb cuts on Figueroa Street. Parking will be provided in six subterranean parking levels and eight above-grade parking levels within the building on levels 4 through 11. Access to the garage levels would be from new driveways on Cottage Place. A total of 838 spaces will be provided. Vehicle and bicycle parking will satisfy the requirements of the Los Angeles Municipal Code, although a variance is being requested with respect to the design standards and location of the bicycle parking.

Based on the proposed mix of dwelling unit sizes, 412 residential parking spaces are required for 374 dwelling units, not counting permitted bicycle parking credits. When applying the maximum permitted 15 percent vehicle parking space reduction allowed for providing 571 required long- and short-term bicycle parking spaces for the residential units, 350 residential vehicle parking spaces are required.

Additionally, the commercial component of the Project requires 277 parking spaces based on the mix of office, retail, hotel and conference center uses. When applying the maximum 30 percent vehicle parking space reduction to the non-residential parking requirement for the Project, the provision of 160 required long-and short term non-residential bicycle parking spaces allows a reduction of 39 vehicle parking spaces from 277 to 238 required parking spaces.

Based on the above, 588 parking spaces (350 residential plus 238 commercial) are required when factoring bicycle parking reductions.

As part of the Project, a Transportation Demand Management Program (TDM) will be developed that will include programs intended to reduce vehicle miles traveled. The TDM program may include discounted employee and resident transit passes; a transportation information center, and participation in a flex car program on-site.

While the project does not lie within the boundaries of the LASED, it is across the street (Olympic) and therefore subject to the LASED Streetscape Plan. Pursuant to the LASED Streetscape Plan, the Project would include streetscape improvements including extensive landscape improvements, street trees and alternating streetlight and street tree patterns, improving the pedestrian environment.

#### Setbacks

The Project Site is bounded on the east, south, and west sides by public rights-of-way, and on the north by the Hotel Figueroa at 939 S. Figueroa Street. It is located directly north, across Olympic Boulevard, from LA Live and the larger Los Angeles Sports and Entertainment District (LASED). The LASED includes Staples Center, LA Live, the Microsoft Theater, and restaurant and commercial uses adjacent to the Project Site.

As a mixed-use project proposed in the C2 Zone, the project is not required to provide front yard setbacks. Pursuant to the C2 Zone, buildings partly or wholly erected for residential use must comply with the R-4 Zone requirements of 16-foot maximum side yards, and 20-foot maximum rear yard. The site is located within the Greater Downtown Housing Incentive Area, and per LAMC Section 12.22 C.3(a), there are no required setbacks except those required by the Urban Design Guidelines prepared by the Community Redevelopment Agency. The Project will not require street dedications on Olympic Boulevard or Figueroa Street. Olympic Boulevard is designated as Boulevard II in the recently adopted Mobility Element. This standard requires a 110-foot wide right-of-way with an 80 feet of roadway within the right-of-way. Currently Olympic Boulevard has 112 feet of right-of-way and 84 feet of roadway. The project will require the granting of a variable 10-foot wide sidewalk easement on Olympic Boulevard to comply with the Mobility Element and the LASED Streetscape Plan. The existing 13-foot wide sidewalk on Olympic Boulevard will be widened by 10-feet with the sidewalk easement providing a total of 23 feet of pedestrian realm as envisioned by the LASED Streetscape Plan, which requires a 15-foot sidewalk and an 8-foot private setback. Figueroa Street is designated as a Modified Avenue I in the Mobility Element. This standard requires a 100-foot wide right-of-way with a 73 feet of roadway within the right-of-way. Currently Olympic Boulevard has 110 feet of right-of-way and 73 feet of roadway. Thus no widening of the roadway is required. On Figueroa Street, the existing sidewalk complies with the sidewalk requirements in the Mobility Element and the Downtown Street Standards which call for a 12-foot sidewalk in the public right-of-way and an 8 foot sidewalk easement. The project will require the granting of a 10-foot wide sidewalk easement on Olympic Boulevard to comply with the Mobility Element and the LASED Streetscape Plan. The existing 13-foot wide sidewalk on Olympic Boulevard will be widened by 10-feet with the sidewalk easement providing a total of 23 feet of pedestrian realm as envisioned by the LASED Streetscape Plan, which requires a 15-foot sidewalk and an 8-foot private setback.

The ground floor commercial and open space are consistent with the Guidelines, as they provide inviting, active, pedestrian friendly space with seating options and active uses. The varying setbacks are appropriate in that they provide for the provision of open space. As discussed above, the request conforms with the intent of the setback regulations in the LAMC, is compatible with and will not adversely affect adjacent properties, and is consistent with the General Plan. Therefore, the proposed setbacks for the project are consistent with the requirements of the LAMC.

#### Lighting

Exterior light fixtures for the proposed development will be architecturally integrated with the character of the buildings and would be designed to prevent glare, light trespass, and light pollution. Permanently installed exterior lighting will not blink, flash, or be of unusually high intensity. All exterior fixtures will be selected as full cut off fixtures designed to light downward only, or will utilize optical accessories to eliminate light pollution. Exterior fixtures will be directed away from adjacent properties and public rights-of-way, and be appropriate in height, intensity, and scale for the use they are serving.

Tower facade lighting will uplight the exterior exoskeleton on various levels of the ceilings. Light fixtures will be located and shielded as necessary to minimize light pollution in the sky. Vertical surfaces of the tower will not be illuminated. Podium facade lighting will include uplight vertical surfaces and integrated lighting highlighting vertical features, particularly of the exoskeleton. Light fixtures will be located and shielded as necessary to minimize any light pollution in the sky.



Lighting related to any signage included as part of the Project will comply with the illumination regulations contained in the LAMC.

#### On-Site Landscaping

The project proposes 84,966 square feet of common open space for residents and visitors, consisting of multiple amenity levels, including podium and mid-tower levels, pools, patios, recreation rooms, and gather places; and 22,539 square feet of private open space. Finally, the project proposes 38,938 square feet of recreation rooms at the podium level of each tower (Level 5). Podium Levels 2 and 4 include 43,704 square feet of amenity space, while the top of the podium, Level 5, includes 16,053 square feet of amenity space, pools, roof decks, and landscaping. Level 19 in Tower A, Level 27 in Tower B, and Level 34 in Tower C include open space and pools. Tower A includes an additional amenity level on Level 33 which includes a pool and roof deck.

#### Trash Collection and Loading Areas

The project has been designed to minimize the visual impact of trash receptacles and loading areas. Electrical rooms, storage rooms, trash enclosures, and loading spaces are located within the project and are not visible from surrounding public streets and public view. All ancillary support uses and loading, trash, and receiving are located within the western portion of the project, shielded from public view with architectural elements consistent with treatments throughout the project. Rooftop equipment will be set back from the roof parapet edge and appropriately screened from public view. In addition, numerous conditions have been imposed on the project to ensure that any trash or mechanical equipment is fully screened and not visible to the public.

As described above, the Project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on adjacent and neighbouring properties.

- c. **That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.**

The Project will provide residential open space in excess of code requirements based on the number of units and the mix of unit types, 42,650 square feet of open space is required, and a total of 73,848 square feet of open space will be provided in amenities and private balconies throughout the residential portions of the building. Based on the number of units and habitable rooms proposed, the project is required to provide a minimum 42,650 square feet of open space and 5,331 square feet of landscaping and groundcover. In total, the Project will provide 73,848 square feet of open space, comprised of 42,740 square feet (57.9%) of common open space and an added 31,108 square feet (42.1%) of private open space for each unit in the form of balconies and private covered recreational areas. Within these open spaces, the Project will provide 9,042 square feet of landscaping thereby improving the habitability and wellness opportunities for its residents and minimize impacts on neighboring properties. As such, the project provides recreational and services amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.

**4. DIRECTORS DECISION FOR OPEN SPACE (ON-SITE TREES) (LAMC §12.21 G.2(a)(3))**

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.21 G.3, the Applicant requests approval of a Director's Decision from (LAMC) Section 12.21 G.2(a)(3) to reduce the number of required trees planted on-site. For residential projects, LAMC Section 12.21 G.2(a)(3) requires one tree for every four dwelling units be planted. The proposed Project will have 374 dwelling units, which requires 94 trees be planted on-site and within the parkway adjacent to the site. However, due to the small size of the lot and the high-rise design of the Project, only 63 trees can be planted.

Approximately 20 street trees can be planted in the public right-of-way (sidewalks) based on the spacing standard in the Los Angeles Sports and Entertainment District (LASED) Streetscape Plan (20-feet on center and the 398 linear feet of street frontage on Olympic Boulevard and Figueroa Street). Further, because of other constraints related to minimum distances from street lights and other obstructions, only 15 street trees can be planted in the parkway along the Project site. With respect to on-site trees, due to space constraints by the high-rise building and small lot size only 48 trees can be planted on-site. Pursuant to Ordinance No. 185,573, the Applicant proposes to pay in lieu fees for the 31 required trees that cannot be planted on-site. The following findings shall be made.

**a. The open space provided conforms with the objectives of this subsection.**

The City requires usable open space be provided in residential projects to fulfill the following objectives: afford occupants of multiple residential dwelling units opportunities for outdoor living and recreation; provide safer play areas for children as an alternative to the surrounding streets, parking areas, and alleys; improve the aesthetic quality of multiple residential dwelling units by providing relief to the massing of buildings through the use of landscape materials and reduced lot coverage; and provide a more desirable living environment for occupants of multiple residential dwelling units by increasing natural light and ventilation, improving pedestrian circulation and providing access to on-site recreation facilities (LAMC Section 12.21 G.3).

The proposed Project meets these objectives by providing approximately 73,848 square feet of open space where 42,650 square feet is required. Open space and recreation amenities are proposed throughout the building. The 13<sup>th</sup> floor will have indoor and outdoor open space, including a pool, and amenities for the residential units in the building. The 14<sup>th</sup> floor includes indoor and outdoor amenities for the hotel guests, including a pool. Floor 56 will include indoor and outdoor amenities for residents, including a pool for use by owners of the penthouse units located on Floors 48-55. An indoor club house for the residents will be located on the 57<sup>th</sup> floor, the top level of the building.

The landscaping for the Project will include 26 trees on the 13<sup>th</sup> floor residential amenity deck and 22 trees on the 57<sup>th</sup> floor roof deck. The proposed number of trees will enhance the aesthetic quality of the open space and recreation amenities without overwhelming the spaces with shade cover.

The Project is located within walking distance to several public recreation areas including Grand Hope Park and LA Live/Staples Center and as such will improve pedestrian circulation and provide easy access to recreational opportunities.

**b.. The proposed project complies with the total usable open space requirements.**

As detailed below, 73,848 square feet of open space will be provided where 42,650 square feet of open space is required for the 374 dwelling units.

<b>Site 1</b>	<b>Open Space (sf)</b>
100 SF Less 3 Hab Rooms (x 224 units)	22,400
125 SF 3 Hab Rooms (x 120 units)	15,000
175 SF More than 3 Hab Rooms (x 30 units)	5,250
<b>Open Space Required:</b>	<b>42,650</b>
<b>Common Open Space</b>	<b>Provided</b>
Level 13	19,482
Level 56	18,788
Level 57	4,470
<b>Subtotal</b>	<b>42,740</b>
<b>Private Open Space</b>	<b>Provided</b>
level 32-35 Balconies	5,640
Level 36-47 Balconies	16,920
Level 48-51 Balconies	2,660
Level 52 & 54 Balconies	3,252
Level 53 & 55 Balconies	2,636
<b>Subtotal</b>	<b>31,108</b>
<b>Total Open Space Provided</b>	<b>73,848</b>

A summary of required vs. provided tree count is as follows:

<b>Required Trees</b>	<b>94</b>
On-Site Trees	48
Street Trees	<u>15</u>
<b>Trees Provided</b>	<b>63</b>

The Project is designed with amenity areas for residents including pools, a conference center, a fitness gym, and a sky lounge clubhouse. An additional outdoor amenity deck for the hotel guest will include a pool and landscaping. Open space areas will be attractively landscaped with trees.

Due to the small size of the lot (37,031 square feet), in order to accommodate a reasonable building footprint, while respecting the required building separation from the Hotel Figueroa, the proposed project is a tall, slender building that occupies almost the entire property at ground level. This limits the ability to plant trees at ground level. The constrained lot size also results in very limited opportunities to plant trees on amenity decks higher up in the building. The building does include a design feature to allow for open space above the 13<sup>th</sup> floor amenity deck on the north side of the building where 26 trees can be planted in large boxes. The open structural frame at the top of the building will also allow for opportunities to place 22 trees on the rooftop amenity deck as well. As such, the project complies with the total usable open space requirements.

## DIRECTOR'S DECISION FOR BICYCLE PARKING SITING REQUIREMENTS

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.21.A.16(h), the Applicant requests approval of Alternative Compliance (Director's Decision) to LAMC Section 12.21 A.16(e)(2)(iii and (iv) to deviate from the siting requirements for short- and long-term bicycle parking spaces by allowing all the parking spaces to be located inside the building within Levels B1 and B2 of the subterranean parking areas of the building in lieu of being located on the ground floor of the parking garage, or the level closest to the ground floor, with direct access to a public street.

The Applicant proposes to provide basement floor valet pick-up/drop-off service for bicycles belonging to hotel guests, employees and office/commercial tenants and visitors. The bicycles would be parked by attendants in designated bike racks and lockers on Levels B1 and B2, with the valet drop off located on Level B1. Residents and guests of the condominium units would use the residential elevators to move their bicycles from street level to Level B1 where the residential valet pick-up/drop-off will be located, and parking attendants on Level B1 will park these bicycles in storage racks and lockers on Levels B1 and B2. No outside bike racks for short-term bicycle parking will be provided. The following findings shall be made.

- a. **The location, dimensions, position, security, and safety allow for safe and reasonable accessible and convenient short - or long -term storage for the anticipated users of the bicycle parking, and that the proposed design or siting meets the needs of bicyclists at least as effectively as the requirements of Section 12.21 A.16.(e)(1).**

The required 571 short- and long-term bicycle parking spaces, proposed inside the building in the underground parking areas on Levels B1 and B2 will be designed in accordance with the standards listed in LAMC Section 12.21 A.16.(e)(1). Providing all the bicycle parking inside the building is necessary due to the small size of the irregular shaped parcel and the various design constraints of high-rise mixed-use buildings. Although the Code requires short-term bicycle parking to be located on the ground floor outside of the building and long-term bicycle parking be located along the shortest walking distance to the nearest pedestrian entrance or on the level of the parking garage closest to the ground floor and with direct access to a public street, the Project proposed alternative locations for short- and long-term bicycle parking using valet attendants will be convenient and provide a safe and secure bicycle storage area.

LAMC Sec. 12.21-A.16.(e)(2)(iii) and (iv)) requires specific locations for the short- and long-term bicycle parking, with the intent of making the bicycle parking convenient and accessible to residents, tenants, guests and visitors. The alternative compliance proposed for the project meets the intent of the applicable Code sections. The Applicant will provide the required number of short- and long-term bicycle parking spaces in a more convenient location. As described above, the applicant will provide valet bicycle attendants on the first basement floor that will secure the bikes in designated parking spaces, so bicycle riders will not have to travel below the ground floor (non-residential bicycle riders) or Level B1 (residential bicycle riders) to access their bicycles.

The size of the project, the small, irregularly shaped lot, and the need to place bicycle parking within the underground parking garage makes it infeasible to meet two of the specific requirements of the code. LAMC Section 12.21 A.16(e)(2)(iii) and (iv) require bike racks for short-term bicycle parking on the ground floor of the building and that long-term bicycle parking be located inside the parking garage and along the shortest walking distance to the nearest pedestrian entrance, or located on a level of the parking garage closest to the

ground floor and with direct access to a public street. Providing short-term and long-term bicycle parking within those siting requirements is difficult within a multi-use structure on a very small lot.

Although the bicycle parking regulations specify the location of the long-term bicycle parking, the requirements are based on making the long-term bicycle parking convenient and accessible to residents. The difficulty in providing the Code-required number of long-term bicycle parking spaces in a structure with retail/restaurant uses on the ground floor and requiring direct access to the exterior can only be managed with the request to utilize parking levels B1 and B2 with valet drop-off (on Basement Level 1) to provide the bicycle parking spaces.

A Director's Decision is required for locating the short-term bicycle parking indoors and locating the short-term and long-term bicycle parking locations on Levels B1 and B2 which do not meet code requirements. However, the location is actually more convenient for residents given the slim tower configuration. Providing valet parking for bicycles on level B1 and close to the elevators, makes for a much shorter distance for residents, tenants and visitors to get from their bicycle to their unit and other locations in the building and vice versa. Therefore, the location, dimensions, position, security, and safety allow for safe and reasonable accessible and convenient short - or long -term storage for the anticipated users of the bicycle parking, and that the proposed design or siting meets the needs of bicyclists at least as effectively as the requirements of Section 12.21 A.16.(e)(1).

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

### **Introduction**

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the Olympic Tower Project (Project), located at 813–815 West Olympic Boulevard and 947–951 South Figueroa Street (Site or Project Site). The Project includes demolition and removal of all existing development on the Project Site and development of a single 57-story high-rise building containing up to 65,074 square feet of retail/commercial space; 33,498 square feet of office space; 10,801 square feet of hotel conference center/ballroom space; 8,448 square feet of residential condominium amenities; 373 hotel rooms (216,065 square feet in 17 stories, including lobby/amenities level); 374 residential condominium units (435,731 square feet in 24 stories); and 9,556 square feet of penthouse amenity area for a project total of 779,173 square feet of total floor area. A six-level subterranean parking garage would be located beneath the building, and eight levels of above ground parking would be provided within the podium level of the building. Six levels of the above ground parking would be wrapped with office uses on the Olympic Boulevard street frontage. The project proposes a floor area ratio (FAR) of up to 13:1.

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of the Olympic Tower Project by preparing an EIR (Case Number ENV-2015-4558-EIR/State Clearinghouse No. 2016061048). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 15, Chapter 6 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of

proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final Environmental Impact Report for the project as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant”, these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.
- Project Design Features - A list of the project design features or actions that are included as part of the Project.
- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding - One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding - A summary of the rationale for the finding(s).
- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the

agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b].)

### **Environmental Review Process and Record of Proceedings.**

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

**Initial Study.** The Project was reviewed by the City of Los Angeles (Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

**Notice of Preparation.** Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 32-day period commencing on June 23, 2016 and ending July 25, 2016. The NOP also provided notice of a Public Scoping Meeting held on July 7, 2016 at 1025 East 16<sup>th</sup> Street. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2016061048) incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 46-day public comment period beginning on October 4, 2018 and ending on November 19, 2018. A Notice of Availability (NOA) was distributed on October 4, 2018 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library, Chinatown Branch Library, Echo Park Branch Library, Felipe de Neve Branch Library, Little Tokyo Branch Library, and Pico Union Branch Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on October 14, 2018.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on October 4, 2018, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on August 14, 2019, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section III, Responses to Comments, of the Final EIR. In addition, the Final EIR contains a Mitigation Monitoring Program for the Project, included in Section V, Mitigation Monitoring Program, of the Final EIR. On August 14, 2019, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA

Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

**Public Hearing.** A noticed public hearing for the Project was held jointly by the Deputy Advisory Agency and Hearing Officer on behalf of the City Planning Commission on August 28, 2019.

**City Planning Commission Hearing.** A Planning Commission hearing was held by the Commission on October 10, 2019 and April 24, 2020.

**Errata.** An Errata was released on September 6, 2019 to clarify the language of Mitigation Measure L-1.

In addition, the following documents and other materials also constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2015031035);
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir/olympic-tower-la-project> and <https://planning.lacity.org/development-services/eir/olympic-tower-la-project-0>. The Draft and Final EIR are also available at the following Library Branches:

Los Angeles Central Library—630 West Fifth Street, Los Angeles, CA 90071

Pico Union Branch Library—1030 South Alvarado Street, Los Angeles, CA 90006



Little Tokyo Branch Library—203 South Los Angeles Street, Los Angeles, CA 90012

Echo Park Branch Library—1410 West Temple Street, Los Angeles, CA 90026

Chinatown Branch Library—639 North Hill Street, Los Angeles, CA 90012

Felipe de Neve Branch Library—2820 West 6th Street, Los Angeles, CA 90057

### **Project Description**

The Project Site is located at 813-815 W. Olympic Boulevard and 947-951 S. Figueroa Street in the City of Los Angeles (City) and within the Central City Community Plan Area of the City. The Project Site is located on the northwest corner of the intersection of Olympic Boulevard and Figueroa Street. The Project Site is bounded by Figueroa Street on the east, Olympic Boulevard on the south, Cottage Place on the west, and an adjacent hotel (Hotel Figueroa) on the north. The Project Site comprises approximately 37,031 net square feet (or 0.85 acres). The Project Site is zoned C2-4D (Commercial, Height District 4 with Development Limitation) and is designated Regional Center Commercial in the Central City Community Plan. The Project Site is completely developed with a single concrete block type structure containing a commercial car wash and detailing center and three smaller businesses.

The Project includes demolition and removal of all existing development on the Project Site and development of a single 57-story high-rise tower building containing up to 65,074 square feet of retail/commercial space (in three stories); 33,498 square feet of office space (in six stories); 10,801 square feet of hotel conference center/ballroom space (on one story); 8,448 square feet of residential condominium amenities (on the same story as the hotel conference center); 373 hotel rooms (216,065 square feet in 17 stories, including lobby/amenities level); 374 residential condominium units (435,731 square feet in 24 stories); and 9,556 square feet of penthouse amenity area (in two stories). A six-level subterranean parking garage would be located beneath the building, and eight levels of above ground parking would be provided within the podium level of the building. Six levels of the above ground parking would be wrapped with office uses on the Olympic Boulevard street frontage. Two additional stories dedicated to mechanical facilities would also be included in the proposed structure.

### **No Impact or Less than Significant without Mitigation**

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

### **Impact Summary**

#### ***Aesthetics***

In 2013, the State of California enacted Senate Bill 743 (SB 743), which added Public Resources Code Section 21099, providing s that “aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill Site within a transit priority area shall not be considered significant impacts on the environment.” Because the Project Site is located approximately three blocks from the Metro’s Blue, Expo, and Red rail line station at 7th Street/Metro Center Station along Figueroa Street, the Project Site is situated within a transit

priority area as defined in Public Resources Code Section 21099. Further, the Project Site is located in an urban area on a lot currently developed with existing buildings and surface parking uses. Therefore, based on the above, the analysis in these CEQA findings is for informational purposes only and not for determining whether the Project would result in significant impacts to the environment.

*The Project would not have a substantial adverse effect on a scenic vista.* Due to topography, vegetation, and development, medium and long-distance views are not available from the Project Site area. Also, the Project Site is not visible within any scenic views. The Project would not result in any impacts related to scenic vistas.

*The Project would not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings or other locally recognized desirable aesthetic natural feature within a state-designated scenic highway.* The Project Site is not located on a state designated scenic highway. Further, the Project Site does not contain any rock outcroppings or historic buildings, nor are any recognized scenic resources present within the immediate area.

*The Project would not substantially degrade the existing visual character or quality of the Site or its surroundings.* While the Project would increase building heights on the Project Site when compared to the tallest existing building on the Project Site, it would not be out of proportion with respect to some of the other structures in the general vicinity. The Project would comply with Section 8 of the Downtown Design Guide by utilizing a variety of building materials, colors, and elements, such as balconies, the exoskeleton itself, green walls within the exoskeleton, and various wall planes.

*The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views of the area.* The Project would include interior and exterior lighting that complies with the LAMC provision that requires minimizing the effect of the new sources of lighting. Consequently, no substantial changes in nighttime illumination would occur that would adversely affect nighttime views in the area and prevent spillover lighting. Also, the Project would be required to use non-reflective glass, pursuant to LAMC Section 93.0117. The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The Project would not result in any impacts related to light and glare.

*The Project would not have cumulative aesthetic impacts.* Since the Project falls within the applicable definitions in SB 743, the Project would not have the potential to contribute to any cumulative aesthetics impacts. Also, any of the related projects that fall within the applicable definitions in SB 743 also would not have the potential to contribute to any significant cumulative aesthetics impacts.

#### *Cumulative Impacts*

As discussed in Draft EIR Section A, Aesthetics the project would not considerably contribute to a cumulative impact related to Aesthetics.

#### ***Agriculture and Forestry Resources***

*The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.* The Extent of Important Farmland Map Coverage maintained by the Division of Land Protection indicates that the Project Site is not included in the Important Farmland category. Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, and no impact would occur.

*The Project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract. The Project Site is not zoned for agricultural use, and the Site is not under a Williamson Act Contract.* Thus, the Project would not conflict with existing zoning for agricultural use, or a

Williamson Act Contract. Therefore, no impacts related to this issue would occur.

*The Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 [g]).* The Project Site is not zoned as forest land or timberland. Therefore, no impacts related to this issue would occur.

*The Project would not result in the loss of forest land or conversion of forest land to non-forest use. The Project Site does not contain any forest land.* Therefore, no impacts related to this issue would occur.

*The Project would not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use.* The Project Site and surrounding area are within an urban environment. No agricultural uses are located on the Project Site or within the area. Therefore, no impacts related to this issue would occur.

#### *Cumulative Impacts*

As discussed in above, the project would not considerably contribute to a cumulative impact related to Agriculture and Forestry Resources.

#### **Air Quality**

*The Project would not conflict with or obstruct implementation of the applicable air quality plan.* The Project would neither conflict with SCAQMD's 2016 AQMP nor jeopardize the region's attainment of air quality standards. The Project's proposed land uses are allowed under the existing land use designation and zoning, and the Project's population growth would fall within the forecasted growth for the City.

*The Project would not violate any air quality standard related to operational emissions or contribute substantially to an existing or projected air quality violation related to operational emissions.* The Project's operational emissions would not exceed SCAQMD's regional significance thresholds for VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions. Likewise, localized emissions of NO<sub>2</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> from on-Site sources would not approach the SCAQMD's localized significance thresholds.

*The Project would not expose sensitive receptors to substantial pollutant concentrations from operational emissions or toxic air contaminants.* The Project would generate on-going emissions from area and energy sources that would generate negligible pollutant concentrations of CO, NO<sub>2</sub>, PM<sub>2.5</sub>, or PM<sub>10</sub> at nearby sensitive receptors. The Project would not result in any substantial emissions of toxic air contaminants ("TACs") during the construction or operations phase. Based on a screening assessment of the potential for human health impacts from the temporary emissions of diesel particulate matter from construction activities on sensitive receptors, the Project would not warrant the need for a health risk assessment associated with on-Site activities because the Project's construction phase would be temporary and because the Project's construction activities would not generate high concentrations of pollutants.

*The Project would not create objectionable odors affecting a substantial number of people.* While the Project does include restaurant uses, compliance with industry standard odor control practices, SCAQMD Rule 402 (Nuisance), and SCAQMD Best Available Control Technology Guidelines would limit potential objectionable odor impacts during the Project's long-term operations phase to a less than significant level.

*The Project would not have significant cumulative impacts on air quality from operational emissions.* Individual projects that generate emissions below SCAQMD's significance thresholds would not contribute considerably to any potential cumulative impact. The Project would not produce cumulatively considerable emissions of non-attainment pollutants at the regional or local level.

### *Cumulative Impacts*

As discussed in Draft EIR Section B, Air Quality, the project would not considerably contribute to a cumulative impact related to obstruction or conflict with implementation of an applicable air quality plan, violation or any air quality standard related to operation emissions or contribute substantially to an existing or projected air quality violation related to operational emissions, exposure of sensitive receptors to substantial pollutant concentrations from operation emissions or toxic air contaminants, or creation of objectionable odors.

### **Biological Resources**

*The Project would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service.*

The Project Site is located in an urbanized area of the City and is currently developed with buildings, paving, and minimal landscaping. The Project Site does not contain any natural open spaces, act as a wildlife corridor, nor likely possess any areas of significant biological resource value. No hydrological features are present on the Site and there are likely no sensitive habitats present. Due to the lack of biotic resources, no candidate, sensitive, or special status species identified in local plans, policies, regulations, by the California Department of Fish and Game, the California Native Plant Society, or the U.S. Fish and Wildlife Service would be expected to occur on the Project Site.

The Project Site has minimal landscaping, nearly entirely on the outer perimeter along the parking lot. Vegetation on the Site consists of eight ornamental (non-protected) trees. Four street trees are planted in the sidewalks adjacent to the Project Site. There are no protected trees on the Site, and all existing trees would be removed as part of the Project. Due to the developed history of the Site and lack of native or substantial vegetation, the likelihood of a listed species being on-Site is negligible. Therefore, no impact would occur as a result of the Project.

*The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in the City or regional plans, policies, regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service.* The Project Site is occupied by a car wash and associated building. No riparian or other sensitive natural communities are located on or adjacent to the Project Site. Therefore, implementation of the Project would not result in any adverse impacts to riparian habitat or other sensitive natural communities and no impact would occur.

*The Project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.* The Project Site is developed with a car wash and associated building, does not contain any wetlands or natural drainage channels, and is located in an urbanized area of the Central City Community Plan Area of the City. Thus, the Project Site does not have the potential to support any riparian or wetland habitat. No federally protected wetlands (e.g., emergent, forested/shrub, estuarine and marine deep water, estuarine and marine, freshwater pond, lake, riverine) occur on or in the vicinity of the Project Site. Therefore, the Project would not result in the direct removal, filling, or hydrological interruption of a federally protected wetland as defined by Section 404 of the Clean Water Act, and no impact to federally protected wetlands would occur as a result of the Project.

*The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery Sites.*

Due to the developed history of the Site and lack of native or substantial vegetation, the likelihood of a migratory species being on-Site is negligible. In addition, no bodies of water exist on-Site to

provide habitat for fish. Due to the highly urbanized surroundings, there are no wildlife corridors or native wildlife nursery Sites in the Project vicinity. As such, Project implementation would neither interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors nor impede the use of native wildlife nursery Sites. Therefore, the Project would not interfere with the movement of any resident or migratory fish or wildlife species. Therefore, no impact would occur.

*The Project would not conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands).* Local ordinances protecting biological resources are limited to the City's Protected Tree Ordinance, as modified by Ordinance 177,404. The amended Protected Tree Ordinance provides guidelines for the preservation of all Oak trees indigenous to California (excluding the Scrub Oak or *Quercus dumosa*), as well as the following tree species: Southern California Black Walnut (*Juglans californica* var. *californica*); Western Sycamore (*Platanus racemosa*); and California Bay (*Umbellularia californica*).

There is no vegetation on the Project Site, with the exception of non-native trees. Four street trees are planted in the sidewalks adjacent to the Project Site. No protected trees are located on or adjacent to the Project Site. If the Project proposes the removal of the City's right-of-way trees, a permit would need to be obtained from the City's Urban Forestry Division. Further, any tree removal would need to comply with the ordinance. Therefore, the Project would not conflict with any tree preservation policy or ordinance, and no impacts would occur.

*The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.* The Project Site is located in an urbanized area of the City and is currently developed with buildings, paving, and minimal landscaping. The Site is not located in or adjacent to an existing City or County Significant Ecological Area. Additionally, there is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan that applies to the Project Site. Implementation of the Project would not conflict with any habitat conservation plans. Therefore, no impact would occur.

#### *Cumulative Impacts*

As discussed in above, the project would not considerably contribute to a cumulative impact related to Biological Resources.

#### **Cultural Resources**

*The Project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5.* As discussed in Draft EIR Section D Cultural Resources, there are no historical resources on the Project Site, and no historical resources would be demolished, altered, or relocated as a result of the Project.

*The Project would not directly or indirectly destroy a unique paleontological resource or Site or unique geologic feature.* The Project Site is completely developed with buildings, paving, and minimal landscaping.

*The Project would not disturb any human remains, including those interred outside of formal cemeteries.* The Project Site is completely developed with buildings, paving, and minimal landscaping. No human remains are known to exist at the Project Site.

#### *Cumulative Impacts*

As discussed in Draft EIR Section D, Cultural Resources, the project would not considerably contribute to a cumulative impact related to Cultural Resources.

#### **Geology and Soils**

*The Project would not exacerbate existing hazardous environmental conditions by bringing people*

*or structures into areas that are susceptible to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.* As discussed in Draft EIR Section E Geology and Soils, the Project Site is not located within an Alquist-Priolo Earthquake Fault Zone, and no known faults exist on the Project Site.

*The Project would not exacerbate existing hazardous environmental conditions by bringing people or structures into areas that are susceptible to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground-shaking.* Conformance with California Building Code standards would ensure that no significant impacts related to ground shaking would occur.

*The Project would not exacerbate existing hazardous environmental conditions by bringing people or structures into areas that are susceptible to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.* As discussed in Draft EIR Section E Geology and Soils, the Project Site is not located in an area designated as having a potential for liquefaction or ground subsidence.

*The Project would not result in substantial soil erosion or the loss of topsoil. During the Project's construction phase, activities such as excavation, grading, and Site preparation could leave soils at the Project Site susceptible to soil erosion.* The Project Applicant would be required to comply with SCAQMD Rule 403 – Fugitive Dust to minimize wind and water-borne erosion at the Site, as well as prepare and implement a Stormwater Pollution Prevention Plan ("SWPPP"), in accordance with the National Pollutant Discharge Elimination System ("NPDES") General Permit for Discharges of Storm Water Associated with Construction Activity and Land Disturbance Activities.

*The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-Site landslide, lateral spreading, subsidence, liquefaction or collapse.* As discussed in Draft EIR Section E Geology and Soils, the Project Site is not located in an area designated as having a potential for liquefaction or ground subsidence.

*The Project would not be developed on a Site that is located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property caused in whole or in part by the Project exacerbating the expansive soil conditions.* Based on the depth of the foundation system, as well as the vertical bearing pressure from the foundations, the proposed structure would not be prone to the effects of expansive soils.

*The Project would not be developed on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.* The Project would not include use of a septic tank.

#### *Cumulative Impacts*

As discussed in Draft EIR Section E, Geology and Soils, the project would not considerably contribute to a cumulative impact related to Geology and Soils.

#### **Greenhouse Gas ("GHG") Emissions**

*The Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.* The Project would be required to comply with numerous regulatory compliance measures, particularly those associated with the City's Green Building Code, that would reduce the Project's GHG emissions profile and would represent improvements with respect to the "No Action Taken" ("NAT") scenario. In addition, the Project would include rooftop photovoltaic panels, calculated to provide power to common and amenity areas (refer to GHG-PDF-1) and façade photovoltaic panels contained within the glass panels to provide power to the building exterior lighting and LED lighting (refer to GHG-PDF-2). Thus, the Project's emissions reductions as compared to the NAT Scenario demonstrate consistency with GHG

Reduction Plans, Executive Orders S-3-05 and B-30-15, SCAG's 2016-2040 RTP/SCS, and the City's Green Building Ordinance. As a result of this and the analysis of net emissions, the Project's contribution to global climate change would not be cumulatively considerable and would be less than significant.

The NAT scenario was provided in the Draft EIR for informational purposes and to support the City's evaluation of the Project's emissions and consistency with applicable GHG reduction plans and policies. The Draft EIR's analysis included potential emissions under the NAT scenario and from the Project at build-out based on actions and mandates expected to be in force in 2020. Early-action measures identified in CARB's Climate Change Scoping Plan that have not yet been approved were not credited in that analysis. By not speculating on potential regulatory conditions, the analysis took a conservative approach that likely overestimated the Project's GHG emissions at build-out.

*The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.* As discussed in Draft EIR Section F, Greenhouse Gas Emissions, the Project's impact attributable to GHG emissions was evaluated based on consistency with applicable regulatory plans and policies to reduce GHG emissions, and was found not in conflict:

*The Project would not have a significant cumulative impact on GHG emissions.* As discussed in Draft EIR Section F, Greenhouse Gas Emissions, the Project would be consistent with the approach outlined in CARB's *Climate Change Scoping Plan*.

Currently, there are no applicable CARB, SCAQMD, or City significance thresholds or specific reduction targets, and no approved policy or guidance to assist in determining significance at the project or cumulative levels. Therefore, consistent with CEQA Guideline Section 15064h(3), the City as Lead Agency has determined that the Project's contribution to cumulative GHG emissions and global climate change would be less than significant if the Project would be consistent with the applicable regulatory plans and policies to reduce GHG emissions, pursuant to Senate Bill 97, as described in the previous sub-section.

As noted earlier, the Project would be consistent with these climate action plans at the state, regional, and local level. As such, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. In the absence of adopted standards and established significance thresholds, and given this consistency, it is concluded that the Project's impacts are not cumulatively considerable.

### **Project Design Features**

With the implementation of GHG-PDF-1 and GHG-PDF-2, the Project and cumulative impacts related to GHG emissions are less than significant and no mitigation measures are required.

**GHG-PDF-1:** The Project includes rooftop photovoltaic panels, calculated to provide power to common and amenity areas (refer to Figure III-4 and Figure III-35 in Section III [Project Description] of the Draft EIR).

**GHG-PDF-2:** The Project includes façade photovoltaic panels contained within the glass panels to provide power to the building exterior lighting and LED lighting (refer to Figure III-32 and Figure III-33 in Section III [Project Description] of the Draft EIR).

### **Cumulative Impacts**

As discussed in Draft EIR Section F, Greenhouse Gas Emissions, the project would not considerably contribute to a cumulative impact related to Greenhouse Gas Emissions.

### **Hazards and Hazardous Materials**

*The Project would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials.* As discussed in Draft EIR Section G Hazards and Hazardous Materials, compliance with applicable city, state, and federal regulations related

to the handling, storage, transport, and disposal of hazardous materials and waste during operation of the Project would ensure that no significant hazard to the public or the environment occurs. Therefore, Project impacts related to this issue would be less than significant.

*The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.* The school closest to the Project Site is the Los Angeles Universal Pre-school, located approximately one block northeast of the Project Site. Therefore, no impacts related to this issue would occur.

*The Project Site is not included on a list of hazardous materials Sites compiled pursuant to Government Code Section 65962.5 and as a result, the Project would not create a significant hazard to the public or the environment.* The Project is not included on any list compiled pursuant to Government Code Section 65962.5. Thus, the Project would not create a significant hazard to the public or the environment as a result of being listed on a list of hazardous materials Sites compiled pursuant to Government Code Section 65962.5. Therefore, no impacts related to this issue would occur.

*The Project would not result in an airport safety hazard for people residing or working in the Project Site area.* The Project Site is not located within two miles of a public airport. The closest airport is the Bob Hope Airport located approximately 15.6 miles northwest of the Site. Thus, the Project would not result in a safety hazard associated with an airport for people residing or working in the Project Site area. Based on the above, development of the Project would not have the potential to exacerbate current environmental conditions as to result in a safety hazard for people residing or working the Project Site area. Therefore, no impacts related to this issue would occur.

*The Project would not result in a private airstrip safety hazard for people residing or working in the Project Site area.* The Project Site is not located within the vicinity of a private airstrip. The closest airport is the Bob Hope Airport located approximately 15.6 miles northwest of the Site. Thus, the Project would not result in a safety hazard associated with an airport for people residing or working in the Project Site area. Based on the above, development of the Project would not have the potential to exacerbate current environmental conditions as to result in a safety hazard for people residing or working the Project Site area. Therefore, no impacts related to this issue would occur.

*The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.* During the Project's construction phase, the Project could require temporary roadway lane closures that run adjacent to the Project Site. Additionally, because the Project would exceed 75 feet in height, potential impacts associated with the Project's height and limitations of emergency response equipment could occur. However, prior to the issuance of a building permit, the Project Applicant would be required by the City of Los Angeles Fire Department ("LAFD") and the City's Department of Building and Safety to develop an emergency response plan for the Project in consultation with the LAFD. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments. Preparation and implementation of the Project-specific emergency response plan would ensure that Project impacts related to emergency response would be less than significant.

*The Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.* The Project is located in a highly urbanized area of the City that is not subject to wildland fires. Therefore, the Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Based on the above, development of the Project would not have the potential to exacerbate existing environmental conditions so as to increase the potential to expose people or structures to significant risk of loss, injury or death involving wildland fires.



### *Cumulative Impacts*

As discussed in Draft EIR Section G, Hazards and Hazardous Materials, the project would not considerably contribute to a cumulative impact related to Hazards and Hazardous Materials.

### **Hydrology and Water Quality**

*The Project would not violate any water quality standards or waste discharge requirements.*

As discussed in the project initial study, the project would be required to comply with NPDES requirements and BMPs for construction, as well as LID requirements during operation. Conformance with these regulations would ensure construction and operational activities would result in less-than-significant impacts and would not violate water quality standards, waste discharge requirements, or otherwise substantially degrade water quality.

*The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).* There are no permeable surfaces on the Project Site. Both currently, and after construction groundwater recharge from the site would be negligible. The regional aquifer in the Los Angeles Basin that is a supply of drinking water for the region is located anywhere from approximately 300 to 1,000 feet below the surface of the Project Site. The Project includes excavation to approximately 64 below ground surface. Groundwater encountered within this depth would be perched groundwater, which would be removed from the Site in accordance with applicable LARWQCB requirements. Additionally, all water consumption associated with the Project would be supplied by the Metropolitan Water District (MWD) and not from groundwater beneath the Project Site. Thus, there would be no impact to groundwater supplies.

*The Project would not substantially alter the existing drainage pattern of the Site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-Site.* There are no natural watercourses on the Project Site or in the vicinity of the Site. The Project Site is developed with paved surfaces and current stormwater runoff flows to the local storm drain system. Further, the project would comply with NPDES best management practices during construction and LID regulations during operations. Therefore, the Project would result in a less than significant impact in relation to surface water hydrology and would not result in substantial erosion or siltation on- or off-Site.

*The Project would not substantially alter the existing drainage pattern of the Site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-Site.* Construction and operation of the Project would not result in a significant increase in Site runoff or any changes in the local drainage patterns that would result in flooding on- or off-Site. The Project Applicant would be required to prepare a SWPPP and implement BMPs to reduce runoff and preserve water quality during construction of the Project. Compliance with the LID Ordinance would also reduce the amount of surface water runoff leaving the Project Site as compared to the current conditions. Impacts related to substantial alteration or drainage patterns or increase in runoff, which would cause flooding would be less than significant.

*The Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.* Runoff from the Project Site currently is and would continue to be collected on the Site and directed towards existing storm drains in the Project vicinity that have adequate capacity to serve the Site. Pursuant to City policy, stormwater retention would be required as part of the LID/SUSMP implementation features (despite no increase of imperviousness surfaces on the Site). Any contaminants gathered during routine cleaning of construction equipment would be disposed of in compliance with applicable stormwater pollution prevention permits. Further, pollutants from the subterranean parking garage and surface parking lot would be subject to the

requirements and regulations of the NPDES and applicable LID Ordinance requirements. The Project would not create or contribute surface runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

*The Project would not otherwise substantially degrade water quality.* During construction, groundwater dewatering would be required on the Project Site and would occur in compliance with requirements of the Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (Order No. R4-2008-0032 NPDES No. CAG994004) or subsequent permit. The Project would be required to comply with the NPDES General Construction Permit, the City's Stormwater and Urban Runoff Pollution Control regulations (Ordinance No. 172,176 and No. 173,494), and the City's LID Ordinance. Compliance with these plans would ensure that operation of the Project would not violate water quality standard and discharge requirements or otherwise substantially degrade water quality. Impacts would be less than significant.

*The Project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.* As discussed in the Initial Study prepared for the project, the Project Site is located in an area of insignificant flood risk (Zone X) and is not located within a 100-year zone, as mapped by the Federal Emergency Management Agency (FEMA). Thus, the Project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Therefore, no impacts related to this issue would occur.

*The Project would not place within a 100-year flood hazard area structures which would impede or redirect flood flows.* As discussed above, the Project Site is not located within a 100-year flood hazard area. Thus, the Project would not place housing within a 100-year flood hazard area and structures would not impede or redirect flood flows. Therefore, no impacts related to this issue would occur.

*The Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.* The Project Site is not located in any area susceptible to floods associated with a levee or dam. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.

*The Project would not expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow.* As discussed in the Initial Study prepared for the project, the Project Site is not in an area susceptible to seiches, tsunamis, or mudflows, because the Project Site is not located in proximity to any large bodies of water and is not located near any hillsides. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow.

#### ***Cumulative Impacts***

As discussed in above, the project would not considerably contribute to a cumulative impact related to Hydrology and Water Quality.

#### ***Land Use and Planning***

*The Project would not physically divide an established community.* The Project Site is located in an urbanized area of the City in the Central City Community Plan Area. The Project would not create a physical barrier causing an impediment to travel or access the area surrounding the Project Site. Thus, the Project would not physically divide, disrupt, or isolate an established community. Therefore, no impacts related to this issue would occur.

*The Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local*

*coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.* As discussed in Draft EIR Section H, Land Use and Planning, the Project's conformance with applicable land use plans was analyzed, and found to be in conformance. Therefore, impacts related to conflict with any applicable land use plan, policy, , or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

*The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.* The Project Site is located in an urbanized area of the City and developed a building, paving, and minimal landscaping. The Project Site does not support any natural habitat and/or natural community. There are no sensitive ecological areas and/or other biological resources on and/or near the Project Site. Thus, development of the Project Site is not subject to any applicable habitat conservation plan or natural community conservation plan. The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

*The Project would not have significant cumulative impacts on land use and planning.* Cumulative land use impacts could occur if any of the related projects would result in incompatible land uses, or result in land uses that are inconsistent with adopted land use plans when combined with the impacts of the Project. As discussed in Draft EIR Section H, Land Use, the project would not result in a physical separation of a community, conflict with plans, policies, or regulations adopted to avoid or mitigate environmental effects, or an adopted habitat plan, therefore, the project would not contribute considerably to cumulative land use and planning impact. The associated related projects would be required to address land use and planning concerns in the respective environmental documents prepared for those projects, while discretionary projects would be in conformance will plans and unlikely to physically separate a community.

### **Mineral Resources**

*The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.* As discussed in the Initial Study prepared for the project, there are no known mineral resources on the Project Site or in the vicinity. Thus, the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Therefore, no impacts related to issue would occur.

*The Project would not result in the loss of availability of a locally-important mineral resource recovery Site delineated on a local general plan, specific plan or other land use plan.* As discussed in the Initial Study prepared for the project, the Project Site is not identified as a mineral resource recovery Site. Thus, the Project would not result in the loss of availability of a locally-important mineral resource recovery Site delineated on a local general plan, specific plan or other land use plan. Therefore, no impacts related the loss of availability of a locally important mineral resource recovery site delineated on a local plan would occur.

### **Noise**

*The Project would not result in a substantial permanent increase in ambient noise levels in the Project Site vicinity above levels existing without the Project.* As discussed in Draft EIR Section I, Noise, the Project would not result in a substantial increase in ambient noise levels in the vicinity of the Project.

*The Project would not result in a substantial temporary or periodic increase in ambient noise levels in the Project Site vicinity above levels existing without the Project.* As discussed in Draft EIR Section I, Noise, the Project would not result in a substantial increase in ambient noise levels in the vicinity of the Project.

*The Project would not expose people residing or working in the Project Site area to excessive*

*noise levels associated with an airport or private airstrip.* As discussed in Draft EIR Section I, Noise, the Project Site is not located within an airport land use plan or within two miles of a public airport or public use airport. The closest airport to the Project Site is the Bob Hope Airport located approximately 15.4 miles northwest of the Site. Based on the above the Project would not exacerbate the existing airport noise conditions so as to expose people residing or working in the Project Site area to excessive noise levels. Therefore, the Project would not expose people residing or working in the Project Site area to excessive noise levels and no impact would occur.

*The Project would not have significant cumulative impacts related to noise.* As discussed in Draft EIR Section I, Noise, the project would not result in a cumulatively considerable contribution to a cumulative impact.

### **Population and Housing**

*The Project would not induce substantial population growth in the area, either directly (for example, by proposing new homes or businesses) or indirectly (for example, through extension of roads or other infrastructure.* As discussed in Draft EIR Section J, Population and Housing, the project's population is accounted for in SCAG growth projections for the City and region. Thus, the Project would not result in unexpected population growth. Therefore, Project impacts related to population and housing would be less than significant.

*The Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.* As discussed in Draft EIR Section J, Population and Housing, no housing currently exists on the Project Site. The Project Site is currently developed with a commercial building, paving, and minimal landscaping. The Project would not displace any existing housing, necessitating the construction of replacement housing elsewhere. Thus, no impact would occur.

*The Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.* The Project Site is not developed with any residential units. Therefore, the Project would not displace any residents, necessitating the construction of replacement housing elsewhere. Thus, no impact would occur.

*The Project would not have significant cumulative impacts on population and housing.* As discussed in Draft EIR Section J, Population and Housing, the Project's housing and population growth would be consistent with the anticipated growth for the Community Plan Area and the City. The Project would not create unplanned growth, and impacts related to population and housing would be less than significant. As such, regardless of whether the related projects would result in unplanned growth, the Project would not have the potential to contribute to any potential cumulative impact.

### **Public Services – Fire Protection**

*The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.* As discussed in Draft EIR Section K.1, Fire Protection, project impacts with respect to the provision of new or altered governmental facilities (Fire facilities) would be less than significant.

*The Project would not have significant cumulative impacts related to the provision of fire protection public services.* As discussed in Draft EIR Section K.1, Fire Protection, cumulative impacts on fire protection services would be less than significant.

### **Public Services – Police Protection**

*The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered*

*governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection.* As discussed in Draft EIR Section K.2, Police Protection, project impacts with respect to the provision of new or altered governmental facilities (Police facilities) would be less than significant.

*The Project would not have significant cumulative impacts on the provision of police protection public services* As discussed in Draft EIR Section K.2, Police Protection, cumulative impacts related to police protection services would be less than significant.

#### **Public Services – Schools**

*The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered schools facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or performance objectives for the school district.* As discussed in Draft EIR Section K.3, School Services, project impacts with respect to the provision of new or altered governmental facilities (School facilities) would be less than significant, in addition the project would be required to pay fees pursuant to state law (SB 50). Therefore, impacts are less than significant.

*The Project would not result in significant cumulative impacts on the provision of public school services.* As discussed in Draft EIR Section K.3, School Services, compliance with the provisions of SB 50 is deemed to provide full and complete mitigation of school facilities impacts. Therefore, cumulative impacts to school services would be less than significant.

#### **Public Services – Parks and Recreational Services**

*The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.* As discussed in Draft EIR Section K.4, Parks and Recreational Services, the Project Applicant would be required to pay Parkland Fee to the City to mitigate for the Project's demand for parks and recreational facilities. Additionally, as shown on Table IV.K.4-2 of the Draft EIR, the Project would include open space in excess of LAMC requirements. Therefore, no significant impacts related to this issue would occur.

*The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.* As discussed in Draft EIR Section K.4, Parks and Recreational Services, the Project Applicant would be required to pay Parkland Fee to the City to mitigate for the Project's demand for parks and recreational facilities. Additionally, as shown on Table IV.K.4-2 of the Draft EIR, the Project would include open space in excess of LAMC requirements. Therefore, no significant impacts related to this issue would occur.

*The Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.* As discussed in Draft EIR Section K.4, Parks and Recreational Services, the Project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment, and no impacts related to this issue would occur.

*The Project would not have a significant cumulative impact on the provision of public parks and recreational services.* As discussed in Draft EIR Section K.4, Parks and Recreational Services, the Project Applicant would be required to pay Parkland Fee to the City to mitigate for the Project's demand for parks and recreational facilities. Additionally, the related projects would similarly be required to comply with regulatory open space requirements and impact fees. Therefore,

cumulative impacts on parks and recreational facilities would be less than significant.

### **Public Services – Other Public Facilities**

*The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library services.* As discussed in Draft EIR Section K.5, Library services, the Project would not result in the alteration or provision of new governmental facilities (libraries) which would result in significant environmental impacts. Therefore, Project impacts on library services would be insignificant.

*The Project would not have significant cumulative impacts on the provision of public library services.* As discussed in Draft EIR Section K.5, Libraries, the Project would not result in the provision of new or altered government facilities. Therefore, the projects contribution to cumulative impacts to library services would not be considerable.

### **Transportation/Traffic**

*The Project would not conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.* As discussed in Draft EIR Section L, Transportation/Traffic, the Project would not conflict with the 2010 Congestion Management Plan. Therefore, impacts would be less than significant.

*The Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.* As discussed in Draft EIR Section L, Transportation/Traffic, the nearest airport is Bob Hope Airport, 15.6 miles away. Therefore, no impacts related to this issue would occur.

*The Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).* As discussed in Draft EIR Section L, Transportation/Traffic, the Project does not include development of any new roadways or intersections. Therefore, Project impacts related to roadway hazards would be less than significant.

*The Project would not result in inadequate emergency access.* As discussed in Draft EIR Section L, Transportation/Traffic, through compliance with existing City regulations, the Project would not result in any significant impacts related to emergency access.

*The Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.* As discussed in Draft EIR Section L, Transportation/Traffic, the Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, and impacts would be less than significant.

### **Tribal Cultural Resources**

*The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a Site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).* As discussed in Draft EIR Section N, Tribal Cultural Resources, no previously recorded tribal cultural resources were identified within the Project Site area. The Project would not adversely affect known tribal cultural resources. As such, no significant impacts related to a substantial adverse change in the significance of a defined

tribal cultural resource would occur.

*The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a Site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native tribe, and that is resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.* As discussed in Draft EIR Section N, Tribal Cultural Resources, no significant impacts related to a substantial adverse change in the significance of a defined tribal cultural resource would occur.

*The Project would not have significant cumulative impacts related to tribal cultural resources.* As discussed in Draft EIR Section N, Tribal Cultural Resources, the degree to which tribal cultural resources exist or could potential exist at the Sites of the related projects listed on Table II-2 in Section II (Environmental Setting) of the Draft EIR is unknown. However, as with the Project, the City would be required comply with AB 52 and contact appropriate tribal parties to offer consultation and conduct the consultation, if requested by the tribal parties. If consultation for those related projects identifies tribal cultural resources, then those related projects would be required to implement appropriate mitigation, as recommended/required by the tribal parties and/or City. As discussed above, the Project would not result in any significant impacts to any tribal cultural resource. Thus, the Project would not have the potential to contribute toward any significant cumulative impacts related to tribal cultural resources. Therefore, cumulative impacts related to tribal cultural resources would be less than significant.

### **Utilities and Service Systems**

*The Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.* As discussed in Draft EIR Section M, Utilities and Services Systems – Wastewater, the Project would be required to comply with the NPDES General Construction Permit including the preparation of a SWPPP and implementation of BMPs, required to minimize soil erosion and sedimentation from entering the storm drains during the construction period. In addition, the Project would be subject to the City's Stormwater and Urban Runoff Pollution Control regulations (Ordinance No. 172,176 and No. 173,494) Compliance with the NPDES and implementation of the SWPPP and BMPs, as well as the City's discharge requirements would ensure that construction stormwater runoff would not violate water quality and/or discharge requirements. During operation, the Project would be required to comply with the City's LID Ordinance. Compliance with the LID Plan and SUSMP, including the implementation of BMPs, would ensure that operation of the Project would not violate water quality standard and discharge requirements or otherwise substantially degrade water quality. The Project would not result in any significant impacts related to wastewater treatment requirements.

*The Project would not require or result in the construction of a new water or wastewater treatment facility or expansion of existing facilities, the construction of which could cause significant environmental effects.* As discussed in Draft EIR Sections M.1-M.2, Utilities and Services systems, sufficient water and wastewater facilities exist to serve the project site.. Therefore, Project impacts related to construction of new water or wastewater facilities would be less than significant.

*The Project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.* As discussed in Draft EIR Sections M.1-M.2, Utilities and Services systems, pursuant to City policy, stormwater retention would be required as part of the LID/SUSMP implementation features. Additionally, the Project would be required to demonstrate compliance with LID Ordinance standards and retain or treat the first three-quarters inch of rainfall in a 24-hour period. The Project would not create or contribute surface runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of

polluted runoff. Impacts would be less than significant.

*There would be sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded facilities were needed.* Pursuant to SB 610 and SB 221, a Water Supply Assessment was prepared for the Project by LADWP (refer to Appendix J of the Draft EIR). As shown on Table IV.M.2-3 of the Draft EIR, LADWP estimates that the Project would consume approximately 218 acre-feet per year ("AFY") of water.

The Project Applicant has voluntarily agreed to incorporate the water conservation measures listed below into the Project that are beyond those required by law (refer to WATER-PDF-1). The estimated additional water conservation calculations associated with these measures outlined on Table IV.M.2-4 of the Draft EIR.

As discussed in Draft EIR Sections M.1-M.2, Utilities and Services Systems, according to LADWP, the Project's water demand has been accounted for in the City's overall total demand projections in the LADWP 2015 UWMP using a service area-wide approach that does not rely on individual development demand. The LADWP 2015 UWMP used SCAG's RTP data that provide for more reliable water demand forecasts, taking into account changes in population, housing units, and employment.

Based on Planning Department's determination that the Project is consistent with the demographic forecasts for the City from SCAG's 2012-2035 RTP/SCS, LADWP finds that the Project's water demand is included in the City's LADWP 2015 UWMP water demand projection. Furthermore, the LADWP 2015 UWMP forecasts adequate water supplies to meet all projected water demand in the City through the year 2040.

LADWP concludes that the 218 AFY increase in the total water demand for the Project falls within the available and projected water supplies for normal, single-dry, and multiple-dry years through the year 2040, as described in LADWP's 2015 UWMP. LADWP finds it will be able to meet the proposed water demand of the Project, as well as existing and planned future water demands of its service area. Thus, the Project would not require new or expanded water supplies. Therefore, Project impacts related to water supply would be less than significant.

### **Project Design Features**

With the implementation WATER-PDF-1, the Project and cumulative impacts related to water supplies are less than significant and no mitigation measures are required.

#### **WATER-PDF-1: Water Conservation Measures:**

- High Efficiency Toilets with a flush volume of 1.1 gallons per flush or less
- Urinals – Waterless
- Showerheads with a flow rate of 1.5 gallons per minute or less
- ENERGY STAR Certified Residential Clothes Washers – Integrated Water Factor of 3.7 or less, front-loading, and capacity of 2.3 cubic feet
- ENERGY STAR Certified Residential Dishwashers – 3.07 gallons per cycle or less, standard type
- Centralized Domestic Water Heating System with hot water return branches
- Point of Use Water Heaters may be used where conditions warrant
- Individual metering and billing for water use for every residential dwelling unit and commercial unit
- Water-Saving pool filter
- Pool/Spa recirculating filtration equipment
- Pool splash troughs around the perimeter that drain back into the pool



- Install a meter on the pool make-up line so water use can be monitored and leaks can be identified and repaired
- Reuse pool backwash water for irrigation
- Leak Detection System for swimming pools and Jacuzzi
- Micro-Spray
- Hydro-zoning Irrigation – Commercial zoning with plant factor 0.3 and Residential zoning with plant factor 0.4
- Drip/Subsurface Irrigation to Commercial zone (4,251 square feet) and Residential zone (8,474 square feet)
- Primary (On-Site) Waste Water Treatment Systems – Possible uses are public toilets and irrigation. Exact usage information not yet known.

*The Project would not result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.* As described above, the Project would not result in any significant impacts related to wastewater treatment requirements.

*The Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs.* As discussed in Draft EIR Sections M.3, Utilities and Services Systems – Solid Waste, sufficient capacity at existing landfills exists to serve the project. Therefore, Project impacts related to solid waste would be less than significant.

*The Project would comply with federal, state, and local statutes and regulations related to solid waste.* As discussed in Draft EIR Sections M.3, Utilities and Services Systems – Solid Waste, The Project would fully comply with all federal, state, and local statutes and regulations regarding proper disposal. Impacts would be less than significant.

*The Project would not result in significant cumulative impacts related to utilities and service systems.* As discussed in Draft EIR Sections M.1 – M.3, Utilities and Services Systems, project level impacts would be less than significant, and project contribution to cumulative impacts would be less than considerable.

### ***Utilities (Energy)***

*The Project would not cause wasteful, inefficient, or unnecessary use of energy.* As discussed in Draft EIR Sections M.4, Utilities and Services Systems – Energy Conservation, the project would not cause waste, inefficient, or unnecessary use of energy for each category of energy use.

*The Project would not result in significant cumulative impacts on energy sources or facilities.* As discussed in Draft EIR Sections M.4, Utilities and Services Systems – Energy Conservation, the project would not result in a cumulatively considerable contribution to impacts on energy sources or facilities.

### **Less than Significant Impacts with Mitigation**

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

### ***Air Quality***

#### **Description of Effects**

***Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?***

**Construction Phase Impacts – Regional Impacts**

Construction-related emissions were estimated for the Project using SCAQMD's CalEEMod 2016.3.1 model based on assumptions from the Project Applicant, including the Project's construction schedule of 34 months. Construction-related emissions were estimated based on an estimated number of truck haul trips totaling 11,550 truck trips (assuming 115,500 cubic yards of export and use of 10-cubic-yard-capacity haul trucks), using a conservative haul trip length of 40 miles for all disposal requirements. The estimate of 115,000 cubic yards of export assumes bulk excavation of the basement (36,246 sf) at a depth of 64 feet, which results in an export of 85,916 cubic yards. Further, the Draft EIR estimated a soil swell factor of 20% (an additional 17,183 cubic yards) for a total of 103,099 cubic yards. An additional 12,000 cubic yards was included in the 115,000-cubic-yard estimate of the Draft EIR for potential export associated with the foundation design that will vary in depth. Table IV.C-6 of the Draft EIR summarizes the Project's construction schedule.

As shown on Table IV.C-7 of the Draft EIR, the construction of the Project would not produce VOC, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions in excess of SCAQMD's regional thresholds. However, the Project's NO<sub>x</sub> emissions would exceed the regional significance threshold. Therefore, prior to mitigation, the Project's construction-related regional emissions impact would be significant.

**Construction Phase Impacts – Localized Impacts**

In terms of local air quality, as shown on Table IV.C-7 of the Draft EIR, the Project would not produce significant emissions in excess of SCAQMD's recommended localized standards of significance for CO during the construction phase. However, construction activities could produce NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions that exceed localized thresholds ("LSTs") recommended by the SCAQMD, primarily from vehicle exhaust and fugitive dust emissions from off-road construction vehicles during the brief overlap of construction phases in 2018. Without mitigation, the Project's construction-related localized emission impact would be significant.

**Construction Phase Impacts – Sensitive Receptors**

As illustrated on Table IV.C-7 of the Draft EIR, nearby sensitive receptors could be exposed to substantial concentrations of localized pollutants NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> from construction of the Project. Specifically, without mitigation, construction activities would exceed SCAQMD LSTs for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> and represent a significant impact.

**Construction Phase – Cumulative**

Cumulative construction emissions are considered when projects within close proximity of each other could result in larger impacts on local sensitive receptors. There are five related projects within 1,000 feet of the Project Site. If any of these projects were to undertake construction concurrently with the Project, localized CO, NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations from those projects would not exceed ambient air quality standards at nearby receptors. The application of LST thresholds to each cumulative project in the local area would help ensure that each project does not produce localized hotspots of CO, NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. Any projects that would exceed LST thresholds would perform dispersion modeling to confirm whether health-based air quality standards would be violated and mitigate any significant localized emissions accordingly. Receptors that are located further away would not be threatened with exceedances of health-based standards, and emissions significantly disperse as a function of atmospheric stability, mixing heights, and other variables, with distance a

critical factor. As such, the cumulative impact of construction projects on local sensitive receptors would be considered less than significant.

Construction of the Project would produce cumulatively considerable emissions of localized nonattainment pollutants NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, as the anticipated emissions would exceed LST thresholds set by the SCAQMD. Without mitigation, this would be considered a significant impact.

#### Operation

As discussed in Draft EIR Section C, Air Quality, operational emissions for the Project were found to be in compliance with air quality standards.

**Project Design Features** – No project design features are included in the Draft EIR with regard to air quality.

**Mitigation Measures** - Because the Project could result in significant construction-related emissions impacts and associated impacts on sensitive receptors, the following mitigation measures are required:

Mitigation Measure C-1 - All off-road construction equipment greater than 50 horsepower shall be required to meet USEPA Tier 4 emission standards to reduce NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions at the Project Site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.

During plan check, the Project Applicant shall make available to the lead agency and SCAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower that shall be used during any portion of demolition/excavation activities and concrete pour days for mat foundation for the Project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and CARB or SCAQMD operating permit shall be available on-Site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit. Off road diesel-powered equipment within the construction inventory list described above shall meet Tier 4 CARB/U.S. EPA standards.

Mitigation Measure C-2 - The Project Applicant shall use 2010 model year or newer diesel haul trucks (e.g., material delivery trucks and soil import/export), and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet USEPA 2007 model year NO<sub>x</sub> emissions requirements.

**Finding** - Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.

**Rationale for Finding** - Mitigation Measure C-1 requires the use of readily-available construction equipment that uses EPA-certified Tier 4 engines to reduce combustion-related NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions from all off-road construction equipment greater than 50 horsepower. Tier 4-certified engines have been phased in nationwide since 2008 for all engine types. Today, all off-road engines are required to be manufactured to meet these standards using feasible technologies that reduce NO<sub>x</sub> and particulate emissions by 99 percent from pre-1996 standards. Manufacturers of equipment with 56 to 130 horsepower engines had until the end of 2018 to phase in Tier 4-certified engines, while the manufactured of equipment with larger engines (130 horsepower or greater) had until the end of 2017. As a result, Tier 4-

certified equipment is a commercially-available from all manufacturers. Tier 4 equipment is commercially-available product from multiple manufacturers. Enforcement of Mitigation Measure C-1 would occur through implementation of the Project's Mitigation Monitoring Plan (MMP) (refer to Section V [Mitigation Monitoring Plan] of the Final EIR). As part of the MMP, the City's Department of Building and Safety would confirm the use of Tier 4-certified equipment by reviewing certification of the tier specifications for engines in construction equipment prior to issuance of construction-related permits and throughout the construction process.

As shown on Table IV.C-9 of the Draft EIR, with implementation of Mitigation Measure C-1, the Project's regional emissions of NO<sub>x</sub> and localized emissions of NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> would not exceed SCAQMD's significance thresholds. No additional mitigation measures are required to reduce the Project's construction-related air quality impacts. Therefore, the Project's regional and localized construction-related emissions impacts would be less than significant.

Mitigation Measure C-2 is a measure that SCAQMD recommends that Lead Agencies implement. However, the effectiveness of this measure at reducing emissions cannot be calculated. As such, although the measure would likely contribute to a reduction in emissions, the effectiveness of the measure has not been accounted for in the calculation of the Project's post-mitigation emissions shown on Table IV.C-9. Additionally, the emissions shown on Table IV.C-9 do not take into account application of SCAQMD's Rule 403, which calls for Best Available Control Measures (BACM) that include watering portions of the Site that are disturbed during grading activities and minimizing tracking of dirt onto local streets. This watering process would further reduce localized emissions of PM<sub>10</sub> and PM<sub>2.5</sub>.

**Reference** - For a complete discussion of the Project's impacts associated with air quality, see Section IV.C (Air Quality) of the Draft EIR. See also Appendix C (Air Quality Technical Modeling Results February 2017) of the Draft EIR and Appendix B-4 (Revised Air Quality Technical Modeling Results [January 2019]) and Appendix B-5 (Air Quality Technical Modeling Results for Haul Trips [January 2019]) of the Final EIR, as well as the Section III (Responses to Comments) of the Final EIR

## ***Cultural Resources***

### **Description of Effects**

#### Substantial Adverse Change in the Significance of an Archaeological Resource

A CHRIS records search and archival research identified one historic archaeological resource (P-19-003287) within a 0.5-mile radius of the Project Site area. P-19-003287 was identified during construction monitoring and consisted of five refuse deposits and a scatter of artifacts dating to between ca. 1858 and 1971, though much of the sampled assemblage was dated around 1910. Importantly, the Site was located along an alignment of the West Branch of Zanja No. 8-R and later occupied by 1890s residences. No traces of the zanja were observed during construction monitoring for the Project.

Though no archaeological resources have been previously recorded within the Project Site area, it is possible that historic archaeological resources could be preserved below the current ground surface that are attributable to the structural remains, features, and artifacts associated with the residential and commercial use of the Project Site area beginning in the 1890s (higher likelihood), but also those attributable to Zanja No. 8-R in the area immediately fronting Figueroa Street (lower likelihood). Overall, the Project Site area has an elevated sensitivity for containing historic archaeological resources. Without mitigation, Project impacts related to historic archaeological resources could be significant.

#### Cumulative –Archaeological Resource

The Project itself would not result in indirect or direct impacts to any significant prehistorical

or historical resource. However, it is possible that some of the related projects listed on Table II-2 in Section II (Environmental Setting) of the Draft EIR could result in significant impacts on prehistorical or historical resources. However, with the implementation of Mitigation Measures D-1 through D-4, Project impacts related to prehistoric and historic archaeological resources would be less than significant. Thus, the Project would not have the potential to contribute toward any significant cumulative impacts related to prehistoric or historic archaeological resources. Therefore, cumulative impacts related to archaeological resources would be less than significant.

**Project Design Features** – No project design features are included in the Draft EIR with regard to archaeological resources.

**Mitigation Measures** - To ensure that Project impacts related to archaeological resources would be less than significant, the following mitigation measures are required:

Mitigation Measure D-1 - Retain a Qualified Archaeologist. The Project Applicant shall retain a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Standards for professional archaeology, during the initial excavation phase to carry out all mitigation measures related to archaeological resources.

Mitigation Measure D-2 - Prepare a Monitoring and Mitigation Plan. Before excavation, an Archaeological Resources Monitoring and Mitigation Plan (Monitoring Plan) shall be prepared. The Monitoring Plan shall include, but not be limited to, monitoring protocol for excavation, a construction worker training program, and discovery and processing protocol for inadvertent discoveries of archaeological resources. The Monitoring Plan shall identify areas with moderate to high sensitivity determined for cultural resources that require monitoring and detail a protocol for determining circumstances in which additional or reduced levels of monitoring (e.g., spot-checking) may be appropriate. Specifically, the Monitoring Plan shall include a framework for assessing the geo-archaeological setting to determine whether sediments capable of preserving archaeological remains are present, and the depth at which these sediments would no longer be capable of containing archaeological material.

Mitigation Measure D-3 - Worker Training. Before excavation, at the Project kickoff, the selected qualified archaeologist or their designee shall provide a briefing to construction crews to provide information on regulatory requirements for the protection of archaeological resources. As part of this training, construction crews shall be briefed on proper procedures to follow should unanticipated archaeological resources discoveries be made during construction. Workers shall be provided contact information and protocols to follow if inadvertent discoveries are made. In addition, workers shall be shown examples of the types of archaeological resources that would require notification of the Project archaeologist.

Mitigation Measure D-4 - Monitoring for Archaeological Resources. Before ground disturbance, an archaeological monitor shall be present during initial excavation activities as stipulated in the Monitoring Plan. The qualified archaeologist may designate an archaeologist to conduct the monitoring under their direction. Specifically, field observations regarding the geo-archaeological setting shall be conducted to determine the presence of undisturbed sediments capable of preserving archaeological remains, and the depth at which these sediments would no longer be capable of containing archaeological material. The duration and timing of the monitoring shall be determined by the qualified archaeologist in consultation with the Department of City Planning and the Project Applicant. At the conclusion of monitoring activities, a technical report shall be prepared documenting the methods and results of all work completed under the Monitoring Plan. The report shall be prepared under the supervision of a qualified archaeologist and submitted to City Planning and the South Central Coastal Information Center.

**Finding** - Changes or alterations have been required in, or incorporated into, the

project that avoid or substantially lessen the significant impacts as identified in the EIR.

**Rationale for Finding** - With implementation of Mitigation Measures D-1 through D-4, Project impacts related to archaeological resources and related cumulative impacts would be less than significant. Though no archaeological resources have been previously recorded within the Project Site area, it is possible that prehistoric or historic archaeological resources could be preserved below the current ground. Mitigation Measures D-1 through D-4 establish comprehensive measures to ensure that, if uncovered on the Project Site, prehistoric or historic archaeological resources would be properly treated without any significant impact on the significance of the archaeological resources, thereby ensuring no significant cumulative impact.

**Reference** - For a complete discussion of the Project's impacts associated with air quality, see Section IV.D (Cultural Resources) of the Draft EIR. See also Appendix D-B (Archaeological Resources Assessment for the Olympic Tower LA Project) of the Draft EIR.

### ***Hazards and Hazardous Materials***

#### **Description of Effects**

##### Reasonably Foreseeable Upset Conditions Involving the Release of Hazardous Materials – Soil Contamination

As discussed previously, the Project Site was used for residential and commercial purposes as early as 1890. By 1967, no buildings remained, and the Site was used for parking until it was redeveloped into a carwash and gasoline station in approximately 1979-1981. This land use configuration included five underground storage tanks ("USTs") associated with the gasoline station. These USTs were removed in 1998 and replaced with one split (9,000/6,000) gasoline UST and one 10,000 gasoline UST. The new USTs were placed in the location of the historic five USTs. At that time, a leaking UST case was opened with the LAFD based on the presence of gasoline and related constituents in Site soils.

A soil and groundwater investigation was conducted in 2002, and five rounds of quarterly groundwater sampling were conducted from 2002-2003. Oversight was transferred from LAFD to the LARWQCB. Soil and groundwater sampling was conducted in late 2011. The two tanks installed in 1998 were removed in January 2013. The LARWQCB closed the leaking UST case in July 2013. The monitoring wells were abandoned in September 2013.

Maximum residual concentrations in soil and groundwater are summarized on Table IV.G-5 of the Draft EIR. (See Section IV [Revisions, Clarifications, and Corrections] of the Final EIR.) The most recent maximum residual concentrations in soil and groundwater all fell below the applicable screening levels for soil and maximum contaminant levels for groundwater, as summarized on Table IV.G-5 of the Draft EIR. However, the presence of these residual concentrations constitutes a historical recognized environmental concern ("REC"). Residual contamination in the subsurface remains at the site that could pose an unknown environmental risk under certain site development activities such as site grading, excavation, and/or extraction of groundwater.

##### Operational Impacts

As discussed in Draft EIR Section G Hazards and Hazardous Materials, the Project Site is located in a City-designated Methane Buffer Zone/Methane Zone. As such, to ensure that no significant impacts related to this designation occurs as a result of the Project, the Project Applicant would be required to comply with Section 91.71 of the LAMC, which includes methane mitigation requirements and current construction standards to control potential methane intrusion into buildings. General requirements include measuring the concentration and pressure of methane gas and integration of an appropriate methane mitigation system into the design and construction of the Project as approved by the City's Department of Building and Safety. Through compliance with LAMC Section 91.71, Project impacts related to methane would be less than significant.

Further as discussed in Draft EIR Section G Hazards and Hazardous Materials, other materials were evaluated and it was determined that the project would not create a significant hazard to the public or environment through upset, or accident conditions.

**Project Design Features** – No project design features are included in the Draft EIR with regard to hazards and hazardous materials.

**Mitigation Measures** - Because residual gasoline-related constituents in soil at the Project Site could pose an environmental hazard, the following mitigation measure is required:

Mitigation Measure G-1 - Prior to issuance of a grading permit, the Project Applicant shall prepare a Soil Management Plan (SMP) for the Project, which shall be approved by the Los Angeles Fire Department and the Department of Public Works. The SMP shall set forth procedures to be followed during the Project's excavation and development phases to properly manage the soil and minimize risks to workers and the public during construction in accordance with any requirements set forth by the Los Angeles Fire Department and/or Department of Public Works. The SMP shall address the delineation of the vertical and lateral extent of residual gasoline-related constituent impacts in Project Site soil. Soil management procedures shall be described so that hazardous soil can be separated from non-hazardous soil during excavation tasks. The SMP shall describe the transport and disposal of the soil at an appropriate waste management facility(ies). The SMP shall be prepared and executed in accordance with South Coast Air Quality Management District (SCQAMD) Rule 1166, Volatile Organic Compound Emissions for Decontamination of Soil.

**Finding** - Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.

**Rationale for Finding** - With implementation of Mitigation Measure G-1, impacts related to hazards and hazardous materials would be less than significant. The residual concentrations of subsurface contaminants could pose unknown environmental risks during Site activities such as Site grading, excavation, and/or extraction of groundwater. By preparing the SMP subject to approval by the LA Fire Department and Department of Public Works, in accordance with SCQAMD Rule 1166, the Project Site will be graded, excavated and otherwise developed in accordance with proper regulatory requirements to minimize any risks posed by the upset or accidental release of hazardous materials. The SMP will have sufficiently objective standards to ensure mitigation of any potential significant effects.

**Reference** - For a complete discussion of the Project's impacts associated with hazards and hazardous materials, see Section IV.G (Hazards and Hazardous Materials) of the Draft EIR. See also Appendix E-A (Geotechnical Investigation) and Appendix E-B (GEOCON Email) of the Draft EIR, as well as the Section III (Responses to Comments) of the Final EIR.

## **Noise**

### **Description of Effects**

#### Generation of Excessive Noise – Construction

During all construction phases, noise-generating activities could occur at the Project Site between the hours of 7:00 A.M. and 9:00 P.M. Monday through Friday, and from 8:00 AM to 6:00 PM on Saturdays, with no construction activities on Sundays or national holidays, in accordance with Section 41.40(a) of the LAMC. On-Site activities could include the use of heavy equipment such as excavators, loaders, and graders, as well as smaller equipment such as saws, hammers, and pneumatic tools. The Project's construction equipment source noise levels for excavators and front-end loaders would nonetheless exceed LAMC Section 112.05's 75 dBA limit for powered construction equipment operating within 500 feet of residential zones, and thus require mitigation to limit the Project's construction equipment source noise levels to below 75 dBA.

### Generation of Groundborne Vibration – Construction

As discussed previously, construction of the Project would require equipment such as excavators and loaders. These types of heavy-duty vehicles can produce peak vibration velocities of up to 0.089 inches per second at a distance of 25 feet. Auger drilling/boring rigs can produce similar vibration levels. Table IV.I-8 shows the Project's estimated construction vibration impacts at the nearest off-Site structures. Hotel Figueroa, built in 1926, could experience groundborne vibrations in excess of Caltrans' 0.25 inches per second PPV damage threshold for "Historic and some old buildings." Without mitigation, this impact could be significant.

### Operational Impacts

As discussed in Draft EIR Section I, Noise, operational impacts for the Project with respect to vibration, were found to be in compliance with air quality standards.

**Project Design Features** – No project design features are included in the Draft EIR with regard to noise.

**Mitigation Measures** - To ensure that the Project's construction-related noise levels do not exceed 75 dBA or exceed groundborne vibration thresholds, the following mitigation measures are required:

Mitigation Measure I-1 - All diesel-powered construction vehicles shall be equipped with exhaust mufflers or other suitable noise reduction devices capable of achieving a sound attenuation of at least 3 dBA. Should they be required, generators shall be solar-powered.

Mitigation Measure I-2 - Temporary sound barriers capable of achieving a sound attenuation of at least 5 dBA shall be erected along the Project's boundaries.

Mitigation Measure I-3 - Construction activities that produce vibration, such as demolition, excavation, and earthmoving, shall be sequenced so that vibration sources within 10 feet of Hotel Figueroa do not operate simultaneously.

Mitigation Measure I-4 - No pile driving shall occur as part of Project construction.

Mitigation Measure I-5 - Pre-construction surveys shall be performed to document the conditions of Hotel Figueroa. A structural monitoring program shall be implemented and recorded during part or all of the Project's construction phase. The performance standards of the structure-monitoring plan shall include the following:

- Documentation, consisting of video and/or photographic documentation of accessible and visible areas on the exterior of the building.
- A registered civil engineer or certified engineering geologist shall develop recommendations for a structure-monitoring program, including a timeline for monitoring.
- The structure-monitoring program shall survey for vertical and horizontal movement, as well as vibration thresholds (0.25 PPV in/sec) established specifically for the Project's construction activities and proximity to the Hotel Figueroa. If the thresholds are met or exceeded, or if noticeable structural damage becomes evident to the Project contractor, work shall stop in the area of the affected building until measures have been taken to prevent construction-related damage to the structure.
- The structure-monitoring program shall be submitted to the Department of Building and Safety for review and approval and received into the case file for the associated



discretionary action permitting the Project prior to initiating any construction activities.

**Finding** - Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.

**Rationale for Finding** - Table IV.I-11 of the Draft EIR shows the Project's construction noise impacts with the implementation of Mitigation Measures I-1 and I-2. Implementation of these mitigation measures would reduce the Project's on-Site construction equipment source noise levels to below the LAMC's 75 dBA limit for powered equipment operations within 500 feet of residential zones. Though no sensitive receptor would experience a significant increase in noise as a result of the Project's unmitigated construction activities, these measures would further reduce the Project's impacts at these receptors. Therefore, the Project's construction-related noise impact would be less than significant.

Mitigation Measures I-3 through I-4 would reduce the Project's vibration sources near the Hotel Figueroa receptor. The monitoring program included as Mitigation Measure I-5 would ensure that vibration associated with Project construction would not cause any damage to the Hotel Figueroa. With implementation of Mitigation Measures I-3 through I-5, impacts related to construction vibration would be less than significant.

**Reference** - For a complete discussion of the Project's impacts associated with noise, see Section IV.I, Noise, of the Draft EIR. See also Appendix G, of the Draft EIR, as well as the Section III of the Final EIR, Responses to Comments.

### **Significant and Unavoidable Impacts**

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project.

### ***Transportation and Traffic***

#### **Description of Effects**

##### **Intersection LOS – Operational**

The future with Project (existing, ambient growth, related projects and Project) traffic volumes at the study intersections during the weekday AM and PM peak hours are illustrated on Figures IV.L-17 and IV.L-18 of the Draft EIR, respectively. As shown in column [4] on Table IV.L-16 of the Draft EIR, application of the City's threshold criteria for intersection levels of service ("LOS") to the "Future With Project" scenario indicates that the Project would result in significant impacts at two of the 18 study intersections as follows: Figueroa Street/9<sup>th</sup> Street and Figueroa Street/Olympic Boulevard.

Although not required by LADOT, a supplemental traffic analysis of all of the study intersections was prepared assuming that access to/from the Cottage Place/Olympic Boulevard intersection (alley driveway intersection) would be restricted to right-turn ingress and egress turning movements for the Project. As shown in column [4] of Appendix Table D-1 of the Traffic Study, Appendix I of the Draft EIR, similar to the results for the "Future With Project" scenario, the same two study intersections are forecast to be significantly impacted under this supplemental traffic analysis scenario: Figueroa Street/9<sup>th</sup> Street and Figueroa Street/Olympic Boulevard.

Although not required by LADOT, a supplemental traffic analysis of all of the study intersections was also prepared assuming implementation of the Figueroa Streetscape (My Figueroa) project, since (i.e., at the time of the preparation of the Draft EIR), the City's project is starting construction. The My Figueroa project has since been completed. The supplemental traffic analysis determined the My Figueroa project would not affect the distribution of trips to and from the Project site (i.e.,

assuming that the Cottage Place/Olympic intersection was not restricted to right-turn ingress and egress turning movements). The general, directional traffic distribution patterns for the Project would be consistent with Figures IV.L-6 and IV.L-7 of the Draft EIR for the commercial and residential land use components, respectively. However, the lane configurations at some of the study intersections, particularly those along Figueroa Street, would be affected by the My Figueroa project. As shown in column [4] of Appendix Table E-1 of the Traffic Study, Appendix I of the Draft EIR, similar to the results for the “Future With Project” scenario, the same two study intersections are forecast to be significantly impacted under this supplemental traffic analysis scenario: Figueroa Street/9<sup>th</sup> Street and Figueroa Street/Olympic Boulevard. One more significant impact was identified as well: Figueroa Street/Pico Boulevard.

#### Cumulative – Construction

As noted above, under the “Future With Project” (i.e., cumulative) traffic scenario, the Project would result in significant impacts at the Figueroa Street/9<sup>th</sup> Street-James M. Wood Boulevard and the Figueroa Street/Olympic Boulevard study intersections. The Project’s peak hour construction traffic generation would be much less than the Project’s peak hour operational traffic generation, and would not be expected to result in any significant intersection LOS impacts. Further, vehicular movements into and out of the Project Site would be provided via three access points along Cottage Place: one driveway providing access for the residential land use component, a porte cochere (i.e., main drop-off and pick-up area) for all of the commercial land use components, and a loading driveway for loading, trash collection, and waste management. Descriptions of the Project’s vehicular access points are provided on pages 11 and 12 of the Traffic Impact Study included as Appendix I-A of the Draft EIR. Project Site access is also addressed on pages IV.L-59 and IV.L-60 of the Draft EIR. None of the Project’s driveways are planned along either the Olympic Boulevard or Figueroa Street frontages. As such, no interference with existing bus transit stops would occur as a result of the Project.

Further, the City requires all projects to implement a Construction Traffic Management Plan, as described in Mitigation Measure L-2 (i.e., preparation and implementation of a Construction Traffic Management Plan) (refer to page IV.L-126). This measure would limit peak hour construction traffic trips and require all on-going cumulative construction projects within proximity to the Project Site to account for the nature and timing of specific related projects’ construction activities. However, given the Project’s peak hour construction traffic generation in combination with the peak hour construction traffic associated with the related projects, it is possible that this cumulative traffic generation could result in significant intersection LOS impacts at the study intersections mentioned above. Therefore, it is conservatively concluded that cumulative construction traffic impacts would be potentially significant.

**Project Design Features** – – No project design features are included in the Draft EIR with regard to transportation.

**Mitigation Measures** - To minimize the Project’s operational and construction traffic impacts, the following mitigation measures are required:

Mitigation Measure L-1 – The Project Applicant shall prepare and provide to LADOT a preliminary Transportation Demand Management (TDM) Program to the satisfaction of LADOT and in accordance with the City’s Trip Reduction Ordinance to reduce the Project’s traffic generation. The final TDM Program shall be approved by LADOT prior to issuance of any Certificate of Occupancy. The preliminary TDM Program shall include, at a minimum, measures consistent with the City’s Trip Reduction Ordinance. LADOT shall determine and approve the specific contents of the TDM Program and traffic-reduction strategies, which could include the following, as examples:

- *On-Site Employee Transportation Coordinator.* An on-site Employee Transportation Coordinator (ETC) could be designated for the Project. The ETC would manage all aspects of an enhanced TDM program and also would participate in City-sponsored

workshops and information roundtables. The ETC would establish a Transportation Information Center and Transportation Fairs. The Transportation Information Center would provide on-site information at its buildings for employees and visitors about local public transit services (including bus lines, rail lines and connections, rideshare programs and shuttles), and bicycle facilities (including routes, rental and sales locations, on-site bicycle racks and showers). Walking and biking maps also would be provided for employees, visitors and residents, which would include but not be limited to information about convenient local services and restaurants within walking distance of the project. Such transportation information may be provided through a computer terminal with access to the Internet, as well as through the office of the ETC located at the Project site. Transportation information should be maintained at the administrative offices of the buildings, or by directing inquiries to the building's web site as a portal.

- *TDM Website Information.* Transportation information should be provided in a highly visible and accessible location on the building's web site, including links to local transit providers, area walking, bicycling maps, etc., to inform employees, visitors and residents of available alternative transportation modes to access the project, other amenities in the area and travel opportunities in the area. The website also should highlight the environmental benefits of utilization of alternative transportation modes.
- *TDM Promotional Material.* Provide and exhibit in public places information materials on options for alternative transportation modes and opportunities. In addition, transit fare media and day/month passes should be made available to employees and visitors during typical business hours.
- *Transit Welcome Package.* All new employees could be provided with a Transit Welcome Package (TWP) in addition to holding Transportation Fair on an annual basis. The TWP at a minimum could include information regarding employer's arrangements for free or discounted use of the transit system, area bus/rail transit route and connections/transfers information, bicycle facilities (including routes, rental and sales locations, on-site bicycle racks, walking and biking maps), and convenient local services and restaurants within walking distance of the Project site.
- *Carpool Program for Employees.* Provide preferential parking within the parking garages for employees who commute to work in registered carpools. An employee who drives to work with at least one other employee to the site may register as a carpool entitled to preferential parking within the meaning of this provision.
- *Public Transit Stop Enhancements.* Working in cooperation with the City and other transit agencies to improve existing bus stops with enhanced shelters and transit information within the immediate vicinity of the buildings. Enhancements could include enhanced weather/sun protection, lighting, benches, and trash receptacles. These improvements would be intended to make riding the bus a safer and more attractive alternative.
- *Convenient Parking/Amenities for Bicycle Riders.* Provide locations at the Project site for convenient parking for bicycle commuters for working employees and visitors. The bicycle parking should be located within the buildings such that long-term and short-term parkers could be accommodated. Bicycle parking may mean bicycle racks, a locked cage, or other similar parking area. Provide shower facilities for employees who commute to work via bicycle.
- *Local Hiring Program.* To the extent feasible, when hiring, conduct outreach to residents who live within Downtown Los Angeles based on satisfaction of other requirements of the available positions.
- *Flexible/Alternative Work Schedules.* Encourage tenants in the building to offer flexible or alternative work schedules, as well as the opportunity to telecommute if feasible.

- *Parking Cash-Out Program.* Require in all leases it executes as landlord for space within the project that tenants offer a parking cash-out program. Parking cash-out program means an employer-funded program under which an employer offers in-lieu of any parking subsidy, a transit subsidy or cash allowance (for use of alternative modes such as walking and bicycling) of equal or greater value.
- *Unbundling and Lease of Parking Spaces for the Residential Land Use.* Offer options for buyers of the residential condominium dwelling units to purchase parking separately (i.e., unbundle parking from the unit price).
- *Participation in a Transportation Management Organization (TMO),* if one is established and the Project Site included. Project representatives would attend organization meetings for the TMO, provide parking and travel demand data to the TMO, pay any established dues to the TMO, and make available information to Project tenants relative to the services provided by the TMO.
- *Record a Covenant and Agreement* to ensure that the TDM Program shall be maintained.

The following improvements shall be part of the TDM Program:

- *Contribution to the Los Angeles Bicycle Plan* – Prior to the issuance of any certificates of occupancy, the Project Applicant shall contribute a one-time fixed-fee of \$100,000 to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements within the Project Site area.
- The Project Applicant shall support existing and/or future efforts by LADOT for Mobility Hubs by providing amenities such as bicycle parking, rentals, shared vehicle rentals, transit information, etc. at the Project Site (subject to design feasibility).

#### Transportation Systems Management (TSM) Improvements

Some of the signalized intersections within the Project Site study area require an upgrade to the traffic signal equipment and hardware. Some of the traffic signals in the study area currently operate using a Type 170 traffic signal controller. Newer controllers (e.g., Type 2070) provide for enhanced and real-time operation of the traffic signal timing. Also, when supplemented by additional roadway system loops and closed-circuit television (CCTV) cameras at key locations, LADOT can identify the causes of delay and implement instant signal timing remedies to improve the traffic flow of vehicles and buses. These traffic signal upgrades provide a system-wide benefit by reducing delays experienced by motorists. To enhance the traffic signal system in the area and improve the network capacity for real-time video monitoring of intersection, corridor, transit, and pedestrian operations by reducing delays experienced by motorists at study intersections, the following TSM improvements shall be implemented by the Project Applicant:

- Install a new CCTV at Figueroa Street and Venice Boulevard, the cost of which is approximately \$40,000,
- Upgrade the fiber optic cable from 12SM to 48SM on Figueroa Street between Venice and Olympic Boulevards, the cost of which is approximately \$40,000.

The Project Applicant shall be responsible for the cost and implementation of any traffic signal equipment modifications and bus stop relocations associated with the proposed transportation improvements described above. All improvements and associated traffic signal work within the City must be guaranteed through Bureau of Engineering's (BOE) B-Permit process, prior to the issuance of any building permits and completed prior to the issuance of any certificates of occupancy. Temporary certificates of occupancy may be granted in the event of any delay through no fault of the Project Applicant, provided that, in each case, the Project Applicant has demonstrated reasonable efforts and due diligence to the satisfaction of LADOT. Prior to setting the bond amount, BOE shall require that the developer's engineer or contractor email LADOT's B-Permit Coordinator at [ladot.planprocessing@lacity.org](mailto:ladot.planprocessing@lacity.org) to arrange a predesign meeting to

finalize the proposed design needed for the project. If a proposed transportation improvement does not receive the required approval, a substitute may be provided subject to the approval of LADOT upon demonstration that the substitute is environmentally equivalent or superior to the original

Mitigation Measure L-2 - Prior to issuance of a demolition permit, in coordination with LADOT and the Department of Building and Safety, the Project Applicant shall prepare a detailed Construction Traffic Management Plan, including street closure information, detour plans, haul routes, and staging plans. The Construction Traffic Management Plan shall outline how construction would be carried out and identify specific actions that would be required to reduce effects on the surrounding community. The Construction Traffic Management Plan shall be based on the nature and timing of specific construction activities and other projects in the vicinity, and shall include the following elements as appropriate:

- Provide for temporary traffic control during all construction activities within public rights-of-way to improve traffic flow on public roadways (e.g., flagmen);
- Schedule of construction activities to reduce the effect on traffic flow on surrounding arterial streets;
- Reroute construction trucks to reduce travel on congested streets to the extent feasible;
- Prohibit construction-related vehicles from parking on surrounding public streets;
- Provide safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
- Accommodate all equipment on-Site; and
- Obtain the required permits for truck haul routes from the City prior to issuance of any permit for the Project.

## **Finding**

### Intersection LOS – Operational

Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

### Cumulative – Construction

Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

## **Rationale for Finding**

### Intersection LOS – Operational

Under the Future With Project traffic scenario, the Draft EIR determined the Project would result in significant impacts at 2 of the 18 study intersections (Int. No. 7: Figueroa Street/9th Street and Int. No. 8: Figueroa Street/Olympic Boulevard). Under a scenario where access to/from the Cottage Place/Olympic Boulevard intersection (alley driveway intersection) would be restricted to right-turn ingress and egress turning movements for the Project, the Project would result in significant impacts at 2 of the 18 study intersections (Int. No. 7: Figueroa Street/9th Street and Int. No. 8: Figueroa Street/Olympic Boulevard). Under the My Figueroa project scenario, the Project would result in significant impacts at 3 of the 18 study intersections (Int. No. 7: Figueroa Street/9th Street, Int. No. 8: Figueroa Street/Olympic Boulevard and Int. No. 9: Figueroa Street). Because the My Figueroa project has now been completed, the Project would result in significant impacts at 3 of the 18 study intersections (Int. No. 7: Figueroa Street/9th Street, Int. No. 8: Figueroa Street/Olympic Boulevard and Int. No. 9: Figueroa

Street).

Implementation of Mitigation Measure L-1 would reduce the Project's traffic generation. However, the specific degree to which traffic trips would be reduced through these mitigation measures cannot be calculated at this time. As such, the effectiveness of these mitigation measures at reducing the Project's significant impacts under the Future With Project traffic condition at Intersection No. 7 (Figueroa Street/9th Street) during the AM and PM peak hours and at Intersection No. 8 (Figueroa Street/Olympic Boulevard) during the AM and PM peak hours cannot be determined at this time. Mitigation measures such as road widening or other physical improvements were evaluated and determined infeasible for economic or technical reasons. Therefore, Project impacts at these intersections would be significant and unavoidable.

#### Cumulative – Construction

The City requires all projects to implement a Construction Traffic Management Plan, as described in Mitigation Measure L-2. This measure would limit peak hour construction traffic trips and require all on-going cumulative construction projects within proximity to the Project Site to account for the nature and timing of specific related projects' construction activities. However, the Project's peak hour construction traffic generation in combination with the peak hour construction traffic associated with the related projects plus the potential limited roadway capacity through the Project Site area, it is possible that this cumulative traffic generation could result in significant intersection LOS impacts at Intersection No. 7 (Figueroa Street/9th Street) and at Intersection No. 8 (Figueroa Street/Olympic Boulevard). Therefore, it is conservatively concluded that cumulative construction traffic impacts would be potentially significant.

**Reference** - For a complete discussion of the Project's impacts associated with traffic and transportation, see Section IV.L (Transportation/Traffic) of the Draft EIR. See also Appendix I-A (Traffic Impact Study) and I-B (Traffic Impact Study Appendices) of the Draft EIR, as well as the Section III (Responses to Comments) of the Final EIR.

#### Alternatives

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

#### ***Summary of Findings***

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or mitigation measure will substantially lessen any significant effect of the Project, reduce the significant unavoidable impacts of the Project to a level that is less than significant, or avoid any significant effect the Project would have on the environment.

#### ***Project Objectives***

Section 15124(b) of the CEQA Guidelines states that a project description shall contain "a statement of the objectives sought by the proposed project." In addition, Section 15124(b) of the CEQA Guidelines further declares that "the statement of objectives should include the underlying purpose of the project." The objectives of the Project are as follows:

1. Develop an iconic, architecturally-compelling tower that adds visual distinction and a unique feature to the Downtown Los Angeles skyline.
2. Capitalize on a smart growth opportunity by intensifying a currently underutilized Site with residential, office, and visitor-serving hotel uses near public transit lines (Metro Rail and Bus) and the Los Angeles Sports and Entertainment District.
3. Create a pedestrian friendly commercial retail zone that is accessible to future residents, hotel guests, and L.A. Live patrons.
4. Contribute unique housing opportunities toward the City's Regional Housing Needs Assessment allocation.
5. Provide residential uses in the same location as commercial and office uses.
6. Contribute to the City's economic growth by developing commercial, residential, and hotel uses that generate local tax revenues, provide new construction jobs, and generate residents who support local businesses.
7. Provide a variety of residential unit sizes to cover the needs of different size households.

### ***Alternatives Analyzed in the Draft EIR and Final EIR***

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting a project's basic objectives.

Each decision-making body of the City finds that given the potential impacts of the Project, the Final EIR considered a reasonable range of alternatives to the Project to provide informed decision-making in accordance with Section 15126.6 of the CEQA Guidelines.

Based on the significant environmental impacts of the Project and the objectives established for the Project, the following alternatives to the project were evaluated in the Final EIR:

- Alternative A: No Project (Continuation of Existing Project Site Conditions)
- Alternative B: No Transfer of Floor Area Ratio and No Hotel
- Alternative C: No Office and Reduced Retail

### ***Alternative A - No Project (Continuation of Existing Project Site Conditions)***

#### **Description of Alternative**

CEQA requires the alternatives analysis to include a "no project" alternative, which is the circumstance under which the Project does not proceed. The purpose of analyzing a No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project (CEQA Guidelines Section 15126.6[e][1]). Pursuant to CEQA Guidelines Section 15126.6(e)(2), requirements of the analysis of the "no project" alternative are as follows:

The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, as well as what would reasonably be expected to occur in the foreseeable future if the proposed project were not approved, based on current plans, and consistent with available infrastructure and community services.

At the time the notice of preparation ("NOP") was published for the Project, there was no evidence that another development at the Project Site would be forthcoming in the event the Project is not approved. Thus, for the purposes of the Draft EIR, Alternative A assumes that the Project Site would remain in its current condition as described in Section II (Environmental

Setting) of the Draft EIR. Although no new development would occur on the Project Site under Alternative A, this alternative assumes the development of the related projects in the area of the Project Site. The potential environmental impacts associated with Alternative A are described below and are compared to the environmental impacts associated with the Project (also refer to Table VI-15 of the Draft EIR). No discretionary actions would be required by local, state, or federal agencies for this alternative.

### **Impact Summary of Alternative**

Aesthetics - Alternative A includes continuation of the existing conditions at the Project Site; no new development would occur. As such, this alternative would avoid the less than significant impacts related to scenic vistas, visual character, light and glare, and shade and shadow that would occur under the Project. Further, no scenic resources are located on the Project Site. Similar to the Project, no impacts related to scenic resources would occur under Alternative A.

Air Quality - Alternative A includes continuation of the existing conditions at the Project Site; no new development would occur. Alternative A would not add any population growth to the Project Site and would not have the potential to conflict with SCAQMD's AQMP. As such, this alternative would avoid the less than significant impact related to consistency with SCAQMD's AQMP that would occur under the Project. Also, this alternative would avoid the less than significant (with mitigation) impact related to construction emissions/sensitive receptors that would occur under the Project. Further, this alternative would not generate any new operational emissions. As such, this alternative would avoid the less than significant impact related to operational emissions/sensitive receptors that would occur under the Project. Similarly, this alternative would not generate any new operational emissions. As such, this alternative would avoid the less than significant impact related to operational emissions/sensitive receptors that would occur under the Project.

Cultural Resources - Alternative A includes continuation of the existing conditions at the Project Site; no new development would occur. As such, this alternative would avoid the less than significant impact related to historical resources that would occur under the Project. Also, Alternative A would not have the potential to encounter any archaeological resources that could exist at the Project Site. As such, this alternative would avoid the less than significant (with mitigation) impact related to archaeological resources that would occur under the Project.

Geology and Soils - Alternative A includes continuation of the existing conditions at the Project Site; no new development would occur. As such, this alternative would avoid the less than significant impact related to geology and soils that would occur under the Project.

GHG Emissions - Alternative A includes continuation of the existing conditions at the Project Site; no new development would occur, and no additional GHG emissions would occur at the Project Site. As such, this alternative would avoid the less than significant impact related to GHG emissions that would occur under the Project.

Hazards and Hazardous Materials - Alternative A includes continuation of the existing conditions at the Project Site; no new development would occur, and no additional transport, use, storage, disposal, and/or emissions of hazardous materials would occur at the Project Site. As such, this alternative would avoid the less than significant impact related to transport, use, storage, disposal, and/or emissions of hazardous materials that would occur under the Project. Further, this alternative would avoid the less than significant (with mitigation) impact related to residual soil contamination and the less than significant impacts related to methane and asbestos-containing materials and lead-based paint that would occur under the Project. Also, this alternative would avoid the less than significant impact related to interfering with an emergency response plan that would occur under the Project.

Land Use and Planning - Alternative A includes continuation of the existing conditions at the



Project Site; no new development would occur that would have the potential to conflict with applicable plans, policies, and regulations associated with development of the Project Site. As such, this alternative would avoid the less than significant impact related to consistency with applicable plans, policies, and regulations that would occur under the Project.

Noise - Alternative A includes continuation of the existing conditions at the Project Site; no new development would occur, and no construction noise would be generated. As such, this alternative would avoid the less than significant (with mitigation) impact related to construction noise that would occur under the Project. Further, this alternative would avoid the less than significant impact related to operational noise that would occur under the Project. Also, this alternative would avoid the less than significant (with mitigation) impact related to construction groundborne vibration and the less than significant impact related to operational groundborne vibration that would occur under the Project.

Population and Housing - Alternative A includes continuation of the existing conditions at the Project Site; no new land uses would be developed and no residential population would be added to the Project Site. As such, this alternative would avoid the less than significant impact related to population and housing that would occur under the Project.

Public Services - Alternative A includes continuation of the existing conditions at the Project Site; no new land uses would be developed, and there would be no increase in the need for fire protection services at the Project Site. As such, this alternative would avoid the less than significant impacts related to fire protection services, police protection services, school services, parks and recreational services, and library services that would occur under the Project.

Transportation/Traffic - Alternative A includes continuation of the existing conditions at the Project Site; no new land uses would be developed, and this alternative would not generate any new traffic trips. As such, this alternative would avoid the significant and unavoidable impacts related to intersection LOS and construction traffic that would occur under the Project. Further, this alternative would avoid the less than significant impacts on CMP roadway facilities, CMP transit facilities, and Caltrans facilities that would occur under the Project.

Tribal Cultural Resources - Alternative A includes continuation of the existing conditions at the Project Site; no grading or excavation would occur. Thus, A would not have the potential to encounter any unknown tribal cultural resources that could exist at the Project Site. As such, this alternative would avoid the less than significant impact related to tribal cultural resources that would occur under the Project.

Utilities and Service Systems - Alternative A includes continuation of the existing conditions at the Project Site; no additional wastewater would be generated. As such, this alternative would avoid the less than significant impact related to wastewater services that would occur under the Project. Similarly, no additional water would be consumed, and this alternative would avoid the less than significant impact related to water services that would occur under the Project. Further, no additional solid waste would be generated, and this alternative would avoid the less than significant impact related to solid waste services that would occur under the Project. Finally, no additional energy would be consumed, and this alternative would avoid the less than significant impact related to energy that would occur under the Project.

### **Finding**

Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

### **Rationale for Finding**

No new development would occur under the No Project Alternative (Alternative A) and the Project Site would continue to operate as it does currently. As such, Alternative A would not meet the

underlying purpose of the Project or the Project objectives. While Alternative A would avoid the Project's significant environmental impacts, it would not meet the Project's underlying purpose and would not attain any of the Project's objectives. For these reasons, each decision making body of the City rejects the No Project Alternative (Alternative A) as infeasible.

## Reference

For a complete discussion of impacts associated with Alternative A, see Section VI (Alternatives to the Proposed Project) of the Draft EIR.

### ***Alternative B: No Transfer of Floor Area Ratio and No Hotel***

#### **Description of Alternative**

The No TFAR and No Hotel (Alternative B) assumes development of the Project Site with land uses that are similar to those proposed under the Project and consistent with the existing zoning and land use designation for the Project Site, but without the requested TFAR and subsequently, reduced residential and retail development and reduced residential and retail development and no development of hotel land uses. Alternative B would include development of a 222,186-square-foot mixed-use building with 150 multi-family dwelling units, 20,000 square feet of ground floor retail land uses, 5,000 square feet of ground floor office land uses, and two levels of subterranean parking. The building would be 14 stories and 190 feet in height. The overall design, architecture, siting, and vehicle/bicycle/pedestrian would be substantially similar to that described for the Project. A comparison of the general land uses proposed as part of the Project to those under Alternative B is shown on Table VI-1 of the Draft EIR.

#### **Impact Summary of Alternative**

Aesthetics - As stated previously, due to topography, vegetation, and development, medium and long-distance views are not available from the Project Site area. Also, the Project Site is not visible within any scenic views. Thus, Alternative B would not result in any impacts related to scenic vistas, similar to the Project. Further, no scenic resources are located on the Project Site. Similar to the Project, no impacts related to scenic resources would occur under Alternative B. Also, the building under Alternative B would be 124 feet shorter than the building under the Project. Alternative B would be considered a transit priority project located in a designated transit-priority area for which aesthetic impacts (including those related to visual character) shall not be considered significant. Because Alternative B includes development of the Project Site with land uses that similar to those proposed as part of the Project but reduced in size, impacts related to visual character under this alternative would be less than significant. Similarly, because Alternative B includes development of the Project Site with land uses that similar to those proposed as part of the Project but reduced in size, the amount of lighting and sources of glare, as well as shade and shadow associated with Alternative B would be less than under the Project.

Air Quality - Based on an estimated persons-per-household for the year 2016 of 1.89 persons per household, Alternative B would add approximately 284 residents to the Project Site, 423 fewer residents than under the Project. As such, Alternative B would not result in unexpected population growth, and impacts related to consistency with SCAQMD's AQMP would be less than significant, similar to the Project. Further, although this alternative would require less excavation than the Project and would include construction of less overall square footage, the maximum construction day scenario under Alternative B could generate regional NO<sub>x</sub> emissions and localized NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions in excess of SCAQMD's significance thresholds, similar to the Project. Without mitigation, sensitive receptors near the Project Site could be exposed to these construction emissions. However, Mitigation Measure C-1 identified for the Project also would apply to this alternative and would reduce the referenced emissions to below the relevant significance thresholds. Thus, impacts related to construction emissions/sensitive receptors under Alternative B would be less than significant, similar to the

Project. Additionally, because this alternative includes land uses that are similar to those proposed as part of the Project but less overall square footage, Alternative B would generate less area source, energy source, and mobile source emissions than under the Project. As such, operational emissions under Alternative B would not exceed SCAQMD's significance thresholds. Sensitive receptors in the vicinity of the Project Site would not be exposed to substantial operational emissions. Thus, operational emissions/sensitive receptors impacts under Alternative B would be less than significant, similar to the Project. Finally, the amount of TACs generated under Alternative B would be less than under the Project. Thus, impacts related to TACs under this alternative would be less than significant, similar to the Project.

Cultural Resources - No historical resources would be demolished, altered, or relocated as a result of Alternative B. The building under Alternative B would be substantially smaller in scale and height than under the Project, but would be of similar design and architecture. The building under Alternative B would meet LAMC setback requirements, similar to the Project, and would not affect the physical integrity or historical significance of any of the three historical resources near the Project Site. Thus, Alternative B would not result in any direct or indirect impacts to historical resources, similar to the Project. Yet, because the Project Site area has a high sensitivity for containing historic archaeological resources, any development of the Project Site that includes ground-disturbing activities such as grading and excavation could result in encounters with unknown historic archaeological resources. Mitigation Measures D-1 through D4 would apply to any development of the Project Site (including that under Alternative B), and impacts would be less than significant, similar to the Project.

Geology and Soils - Because the Project Site is the same under Alternative B as it is for the Project, any development of the Project Site would be subject to the same geotechnical issues identified for the Project and would be subject to the most recently adopted California Building Code design parameters to ensure that impacts related to geology and soils would be less than significant.

GHG Emissions - Because Alternative B includes the construction and operation of land uses that are similar to those proposed as part of the Project but less in overall square footage, the amount of GHG emissions that would be generated as a result of construction and long-term operation of the alternative would be less than those of the Project. Similar to the Project, Alternative B would be required to comply with numerous regulatory compliance measures, particularly those associated with the City's Green Building Code that would reduce the alternative's GHG emissions profile and would represent improvements with respect to the NAT scenario. Thus, Alternative B's GHG emissions reductions as compared to the NAT scenario demonstrate consistency with GHG Reduction Plans, Executive Orders S-3-05 and B-30-15, SCAG's Sustainable Communities Strategy, and the City's Green Building Ordinance. Thus, Alternative B's contribution to global climate change would not be cumulatively considerable and would be less than significant, similar to the Project.

Hazards and Hazardous Materials - Similar to the Project, during the construction and operational phases for Alternative B, this alternative would involve the transport, use, and storage of relatively small amounts of potentially hazardous materials, such as paints, adhesives, surface coatings, cleaning agents, waxes, fuels, and oils. However, compliance with applicable city, state, and federal regulations related to the handling, storage, transport, and disposal of hazardous materials and waste during operation of this alternative would ensure that no significant hazard to the public or the environment occurs. Therefore, impacts related to the transport, use, storage, disposal, and/or emissions of hazardous materials under Alternative B would be less than significant, similar to the Project. Additionally, any development of the Project Site (including development under Alternative B) that includes ground-disturbing activities would result in the same potential to encounter residual soil contamination, as identified for the Project. Mitigation Measure G-1 identified for the Project would also apply to Alternative B and would ensure that impacts related to residual soil contamination would be less than significant. Also, any development of the Project Site

(including development under Alternative B) would be required to comply with LAMC Section 91.71 to ensure that impact related to methane would be less than significant. Because the existing structure on the Project Site was constructed after 1978, no development of the Project Site would result in impacts related to asbestos-containing materials or lead-based paint. Finally, as with the Project, preparation and implementation of an emergency response plan would ensure that impacts related to emergency response would be less than significant under Alternative B, similar to the Project.

Land Use and Planning - Similar to the Project, Alternative B also would be substantially consistent with all applicable plans, policies, and regulations (such as SCAG policies that call for developing mixed-use projects near transit to reduce vehicle miles traveled and associated pollutant emissions) that govern development of the Project Site. Thus, impacts related to land use and planning under Alternative B would be less than significant, similar to the Project.

Noise - This alternative would require the use of the same mix of construction equipment identified for the Project. As such, similar to the Project, use of construction equipment under Alternative B would exceed 75 dBA limit in LAMC Section 112.05 limit for powered construction equipment operating within 500 feet of residential zones. Mitigation Measures I-1 and I-2 identified for the Project would also apply to Alternative B and would ensure that impacts related to construction noise would be less than significant, similar to the Project. Additionally, similar to the Project, all on-Site noises, including HVAC and mechanical equipment use, would be subject to the requirements of the City's Noise Ordinance to ensure compliance with the City's noise standards. Because Alternative B would generate less traffic than the Project, the increase in traffic noise under this alternative also would not be noticeable. Thus, impacts related to operational noise under Alternative B would be less than significant, similar to the Project. Finally, this alternative would also include the use of excavators and loaders, which could impact the Hotel Figueroa. However, Mitigation Measures I-3 through I-5 identified for the Project would also apply to Alternative B and would ensure that impacts related to construction groundborne vibration would be less than significant, similar to the Project. Additionally, Alternative B would not include the use stationary sources of groundborne vibration and would generate less traffic than the Project. As such, impacts related to operational groundborne vibration under Alternative B would be less than significant with mitigation, similar to the Project.

Population and Housing - Using the same persons-to-household number used for the Project (1.89), Alternative B would add approximately 284 residents to the Project Site, 423 fewer than under the Project. As shown on Table VI-3 of the Draft EIR, Alternative B would generate approximately 55 employees, 503 fewer than under the Project. Because this alternative would add fewer residents and employees to the Project Site than would the Project, the growth associated with Alternative B would fall within growth projections for the Community Plan area and the City, as well. Thus, impacts related to population and housing under Alternative B would be less than significant, similar to the Project.

Public Services - The construction phase associated with Alternative B would be shorter in duration than that under the Project. As such, impacts on fire protection services associated with construction under this alternative would be less than significant, similar to the Project. Additionally, any and all development of the Project Site (including development under Alternative B) would be required to comply with City Fire Code, California Fire Code, City Building Code, and National Fire Protection Association standards, thereby ensuring that new development would not create any undue fire hazard. Also, LAFD would require Alternative B to incorporate a sprinkler system into the development to assist with fire suppression, in the event of a fire. Similar to the Project, Alternative B would not require the need for new or altered fire station facilities, and impacts would be less than significant.

Similarly, impacts on police protection services associated with construction under this alternative would be less than significant, similar to the Project. Additionally, all of the security

and crime prevention features described above for the Project also would be incorporated into Alternative B. Further, Alternative B would be required to comply with LAPD review requirements and emergency access requirements and would be required to contribute funding to police protection services in the area by generating annual revenue from property taxes that would be deposited into the City's General Fund, which could be used to hire additional police officers. Alternative B's direct population increase and associated demand for police services, along with the provision of on-Site security features, coordination with LAPD, and incorporation of crime prevention features, would not require the provision of new or physically altered police stations in order to maintain acceptable service ratios or other performance objectives for police protection. Therefore, impacts related to police protection services under Alternative B would be less than significant.

Furthermore, as shown on Table VI-5 of the Draft EIR, Alternative B would generate approximately 39 students (19 high school students, 10 middle school students, and 10 elementary school students). Similar to the Project, based on the remaining capacity of the schools serving the Project Site, the Belmont High School Zone would have sufficient capacity to accommodate Alternative B's student generation. However, the elementary school and middle school serving the Project Site could experience further overcrowding in accommodating Alternative B's student generation. Nonetheless, pursuant to the California Government Code, the Project Applicant's payment of the school fees established by the LAUSD in accordance with existing rules and regulations regarding the calculation and payment of such fees would, by law, provide full and complete mitigation for Alternative B's direct and indirect impacts to schools. Therefore, impacts to school services under Alternative B would be less than significant, similar to the Project.

Also, similar to the Project, the increased residential population associated with Alternative B (approximately 411 residents) in a currently underserved area would potentially increase the demand on existing parks and recreational facilities. However, in accordance with the City's applicable codes for mitigating impacts to parks, the Project Applicant would be required to pay Parkland Fee to the City to mitigate for the Project's demand for parks and recreational facilities. Additionally, Alternative B would be required to meet/exceed LAMC requirements for open space at the Project Site. Through compliance with LAMC requirements, impacts related to parks and recreational services under Alternative B would be less than significant, similar to the Project. Similarly, Alternative B would generate further residents than would the Project and would have less of an impact on library services than the Project. Therefore, impacts related to library services under Alternative B would be less than significant, similar to the Project.

Transportation/Traffic - As shown on Table VI-6 of the Draft EIR, Alternative B would generate a net decrease of approximately 37 daily trips (4,460 fewer than the Project), a net increase of 51 AM peak hour trips (285 fewer than the Project), and a net decrease of 9 PM peak hour trips (383 fewer than the Project). Because Alternative B would generate fewer peak hour trips than the Project, this alternative would not result in any significant intersection LOS impacts under the Existing Plus Project traffic scenario, similar to the Project. In addition, as shown on Table VI-7 of the Draft EIR, Alternative B would not result in any significant intersection LOS impacts under the Future Plus Project traffic scenario, unlike the Project. Thus, Alternative B would avoid the significant and unavoidable intersection LOS impacts that would occur under the Project.

A supplemental analysis was prepared to address impacts under the Future Condition "with the My Fig project" given the completion of the My Fig project. This supplemental analysis is also consistent with the inclusion of that supplemental analysis for the Project in the Draft EIR (Section IV.L Transportation/Traffic) for informational purposes, even though such analysis was not required by LADOT. As shown on Table VI-8, assuming completion and operation of the My Fig project, Alternative B would not result in any significant impacts at any of the study intersections and would avoid the Project's significant unavoidable impacts at Intersection No.

7 (AM and PM peak hours), Intersection No. 8 (AM and PM peak hours), and Intersection No. 9 (AM and PM peak hours).

Similarly, because of the reduced amount of construction traffic and construction phase duration, alternative-specific and cumulative construction traffic impacts under Alternative B would be less than significant. As such, Alternative B would avoid the significant and unavoidable cumulative construction traffic impact that would occur under the Project.

Furthermore, Alternative B would generate fewer peak hour trips than the Project. As such, impacts related to CMP roadway facilities under Alternative B would be less than significant, similar to the Project. Given that Alternative B would generate fewer daily transit trips than the Project, the 46 transit lines serving the Project Site would be able to accommodate Alternative B, and impacts related to transit services under this alternative would be less than significant, similar to the Project. Similarly, because this alternative would generate fewer daily and peak hour trips than the Project, impacts related to Caltrans facilities would be less than significant under Alternative B, similar to the Project.

Tribal Cultural Resources - Any development of the Project Site that includes ground-disturbing activities such as grading and excavation could result in encounters with unknown tribal cultural resources. As such, any developer of the Project Site would be required to comply with the City's Standard Condition of Approval for the Inadvertent Discovery of Tribal Cultural Resources, and any potential impacts would be reduced to less than significant, similar to the Project.

Utilities and Service Systems - As shown on Table VI-12 of the Draft EIR, Alternative B would generate a net total of approximately 19,047 gpd of wastewater (or 0.019 mgd), 154,450 gpd of wastewater less than the Project. Thus, impacts related to wastewater service under Alternative B would be less than significant, similar to the Project. Further, as shown on Table VI-14 of the Draft EIR, Alternative B would consume a net total of approximately 14,772 gpd of water (or 0.014 mgd), 179,804 gpd of water less than the Project. Thus, impacts related to water supply under Alternative B would be less than significant, similar to the Project. Similarly, the amount of demolition and construction waste and long-term operational waste generation under Alternative B would be less than under the Project. As such, impacts related to solid waste under Alternative B would be less than significant, similar to the Project. Finally, because LADWP and SoCalGas could accommodate the Project's demand for electricity and natural gas (respectively), the demand for electricity and natural gas associated with Alternative B also could be accommodated. Thus, the demand for electricity and natural gas under Alternative B would not result in a wasteful or inefficient use of energy, similar to the Project.

## **Finding**

Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

### **Rationale for Finding**

Given the reduced residential and retail development and no development of hotel uses under Alternative B, this Alternative would only partially meet most of the Project Objectives and would meet those objectives to a lesser degree as compared to the Project.

Alternative B could be developed to meet Project Objective 1 (DTLA skyline). However, due to the reduction in building height as compared to the Project, the building under Alternative B might not contribute to the Downtown Los Angeles skyline. Given the reduced height, Alternative B would not achieve this objective to the same degree as the Project. It would partially meet Project Objective 2 (smart growth) because the alternative includes a reduced amount of housing, office, and retail land uses. However, Alternative B would not meet this objective to the extent the

objective supports developing visitor-serving hotel uses near public transit and the Los Angeles Sports and Entertainment District. Given the reduced residential, retail, and office uses, and no hotel uses, Alternative B would achieve Project Objective 3 (pedestrian-friendly retail zone) to a lesser degree as compared to the Project. Alternative B would partially meet this objective because the alternative includes a reduced amount of housing, office, and retail land uses. However, Alternative B would not meet this objective to the extent the objective supports developing a pedestrian friendly commercial retail zone accessible to future hotel guests. Given the reduced residential, retail, and office uses, and no hotel uses, Alternative B would achieve this objective to a lesser degree as compared to the Project. Alternative B would meet Project Objective 4 (unique housing), but to a lesser degree as compared to the Project, because the alternative reduces the number of proposed residential units by more than half of the units proposed in the Project. It would partially meet Project Objective 5 (multi-use location) because the alternative includes a reduced amount of housing, office, and retail land uses on the Project Site. Given the reduced number of residential units and reduced commercial and office uses, Alternative B would meet this objective to a lesser degree as compared to the Project. Alternative B would partially meet Project Objective 6 (City economic growth) because the alternative includes a reduced amount of housing, office, and retail land uses. However, Alternative B would not meet this objective to the extent the objective supports contributing to the City's economic growth by developing hotel uses. Given the reduction in proposed uses, Alternative B would meet this objective to a lesser degree as compared to the Project. Alternative B would meet Project Objective 7 (different sized residential units) but to a lesser degree as compared to the Project, because the alternative reduces the number of proposed residential units by more than half of the units proposed in the Project.

In addition, the City's planning goals and policies indicate that redevelopment of the Project Site should be high-density. Alternative B would not maximize developable area on the Project Site due to the reduced proposed density of the alternative. Moreover, the City's has stated its vision for the Project Site in several documents, which indicate that the Project Site should contain high density uses to maximize density on redevelopment sites located adjacent to transit and within the transit core areas identified in the City's planning and policy documents. (See e.g., 2008 RCP Land Use and Housing Policy LU-4; General Plan Framework Element: Land Use Chapter, Policies 3.1.1, 3.2.2; General Plan Housing Element, Policy 1.3.5; Central City Community Plan Residential Policy 1-1.1.) The reduced density associated with Alternative B conflicts with the City's planning goals and is undesirable from a policy standpoint.

Furthermore, regarding social and other considerations, the Project Site is located in an area of the City that is undergoing rapid change and densification. The existing conditions and development trends immediately surrounding the Project Site are maximizing density because the area is transit rich, located adjacent to the Los Angeles Convention Center and regional entertainment venues. Thus, there are several social and other considerations that warrant maximizing the density of development on the Project Site to implement a hotel project that can deliver the amount and type of hotel rooms and amenities desired by the City to support hotel room demand caused by convention business, regional entertainment venues, domestic and international tourism, and the Olympics.

### **Reference**

For a complete discussion of impacts associated with Alternative B, see Section VI (Alternatives to the Proposed Project) of the Draft EIR.

### ***Alternative C: No Office and Reduced Retail***

#### **Description of Alternative**

The No Office and Reduced Retail (Alternative C) assumes implementation of the Project as described in Section III (Project Description) of the Draft EIR but without any of the proposed office land uses and with a reduced amount of retail square footage. Alternative C would include

development of a 710,675-square-foot mixed-use building with 374 multi-family dwelling units (and 18,004 square feet of residential amenities), 30,074 square feet of retail land uses, a 373-room hotel (and a 10,801-square-foot conference center/ballroom and 13,029 square feet of lobby/hotel amenities), four levels of subterranean parking, and 6 levels of above-ground parking. The building would be 54 stories and 682 feet in height. The overall design, architecture, siting, and vehicle/bicycle/pedestrian would be substantially similar to that described for the Project. A comparison of the general land uses proposed as part of the Project to those under Alternative C is shown on Table VI-2 of the Draft EIR.

### **Impact Summary of Alternative**

Aesthetics - As stated previously, due to topography, vegetation, and development, medium and long-distance views are not available from the Project Site area. Also, the Project Site is not visible within any scenic views. Thus, Alternative C would not result in any impacts related to scenic vistas, similar to the Project. Further, no scenic resources are located on the Project Site. Similar to the Project, no impacts related to scenic resources would occur under Alternative C. Also, because Alternative C includes development of the Project Site with land uses that similar to those proposed as part of the Project but reduced in size, impacts related to visual character under this alternative would be less than significant. Finally, because Alternative C includes development of the Project Site with land uses that similar to those proposed as part of the Project but reduced in size, the amount of lighting and sources of glare, as well as shade and shadow associated with Alternative C would be less than under the Project. Thus, impacts related to light and glare, as well as shade and shadow under this alternative would be less than significant, similar to the Project.

Air Quality - Alternative C includes the same number of residential dwelling as the Project and would add the same number of residents to the Project Site, 707. As such, Alternative C would not result in unexpected population growth, and impacts related to consistency with SCAQMD's AQMP would be less than significant, similar to the Project. Further, although this alternative would require less excavation than the Project and would include construction of less overall square footage, the maximum construction day scenario under Alternative C could generate regional NOx emissions and localized NOx, PM10, and PM2.5 emissions in excess of SCAQMD's significance thresholds, similar to the Project. Without mitigation, sensitive receptors near the Project Site could be exposed to these construction emissions. However, Mitigation Measure C1 identified for the Project also would apply to this alternative and would reduce the referenced emissions to below the relevant significance thresholds. Thus, impacts related to construction emissions/sensitive receptors under Alternative C would be less than significant, similar to the Project. Additionally, because this alternative includes land uses that are similar to those proposed as part of the Project but less overall square footage, Alternative C would generate less area source, energy source, and mobile source emissions than under the Project. Sensitive receptors in the vicinity of the Project Site would not be exposed to substantial operational emissions. As such, operational emissions under Alternative C would not exceed SCAQMD's significance thresholds. Thus, operational emissions/sensitive receptors impacts under Alternative C would be less than significant, similar to the Project. Finally, the amount of TACs generated under Alternative C would be less than under the Project. Thus, impacts related to TACs under this alternative would be less than significant, similar to the Project.

Cultural Resources - No historical resources would be demolished, altered, or relocated as a result of Alternative C. The building under Alternative C would meet LAMC setback requirements, similar to the Project, and would not affect the physical integrity or historical significance of any of the three historical resources near the Project Site. Thus, Alternative C would not result in any direct or indirect impacts to historical resources, similar to the Project. Yet because the Project Site area has a high sensitivity for containing historic archaeological resources, any development of the Project Site that includes ground-disturbing activities such as grading and excavation could result in encounters with unknown historic archaeological



resources. Mitigation Measures D-1 through D-4 would apply to any development of the Project Site (including that under Alternative C), and impacts would be less than significant, similar to the Project.

Geology and Soils - Because the Project Site is the same under Alternative C as it is for the Project, any development of the Project Site would be subject to the same geotechnical issues identified for the Project and would be subject to the most recently adopted California Building Code design parameters to ensure that impacts related to geology and soils would be less than significant.

GHG Emissions - Because Alternative C includes the construction and operation of land uses that are similar to those proposed as part of the Project but somewhat less in overall square footage, the amount of GHG emissions that would be generated as a result of construction and long-term operation of the alternative would be less than those of the Project. Similar to the Project, Alternative C would be required to comply with numerous regulatory compliance measures, particularly those associated with the City's Green Building Code that would reduce the alternative's GHG emissions profile and would represent improvements with respect to the NAT scenario. Thus, Alternative C's GHG emissions reductions as compared to the NAT scenario demonstrate consistency with GHG Reduction Plans, Executive Orders S-3-05 and B-30-15, SCAG's Sustainable Communities Strategy, and the City's Green Building Ordinance. Thus, Alternative C's contribution to global climate change would not be cumulatively considerable and would be less than significant, similar to the Project.

Hazards and Hazardous Materials - Similar to the Project, during the construction and operational phases for Alternative C, this alternative would involve the transport, use, and storage of relatively small amounts of potentially hazardous materials, such as paints, adhesives, surface coatings, cleaning agents, waxes, fuels, and oils. However, compliance with applicable city, state, and federal regulations related to the handling, storage, transport, and disposal of hazardous materials and waste during operation of this alternative would ensure that no significant hazard to the public or the environment occurs. Therefore, impacts related to the transport, use, storage, disposal, and/or emissions of hazardous materials under Alternative C would be less than significant, similar to the Project. Additionally, any development of the Project Site (including development under Alternative C) that includes ground-disturbing activities would result in the same potential to encounter residual soil contamination, as identified for the Project. Mitigation Measure G-1 identified for the Project would also apply to Alternative C and would ensure that impacts related to residual soil contamination would be less than significant. Also, any development of the Project Site (including development under Alternative C) would be required to comply with LAMC Section 91.71 to ensure that impact related to methane would be less than significant. Because the existing structure on the Project Site was constructed after 1978, no development of the Project Site would result in impacts related to asbestos-containing materials or lead-based paint. Finally, Preparation and implementation of an emergency response plan would ensure that impacts related to emergency response would be less than significant under Alternative C, similar to the Project.

Land Use and Planning - Similar to the Project, Alternative C would be substantially consistent with all applicable plans, policies, and regulations that govern development of the Project Site. Thus, impacts related to land use and planning under Alternative C would be less than significant, similar to the Project.

Noise - This alternative would require the use of the same mix of construction equipment identified for the Project. As such, similar to the Project, use of construction equipment under Alternative C would exceed LAMC Section 112.05's 75 dBA limit for powered construction equipment operating within 500 feet of residential zones. Mitigation Measures I-1 and I-2 identified for the Project would also apply to Alternative C and would ensure that impacts related to construction noise would be less than significant, similar to the Project.

Furthermore, similar to the Project, all on-Site noises, including HVAC and mechanical equipment use, would be subject to the requirements of the City's Noise Ordinance to ensure compliance with the City's noise standards. Additionally, because Alternative C would generate less traffic than the Project, the increase in traffic noise under this alternative also would not be noticeable. Thus, impacts related to operational noise under Alternative C would be less than significant, similar to the Project. Finally, this alternative would also include the use of excavators and loaders, which could impact the Hotel Figueroa. However, Mitigation Measures I-3 through I-5 identified for the Project would also apply to Alternative C and would ensure that impacts related to construction groundborne vibration would be less than significant, similar to the Project. Additionally, Alternative C would not include the use stationary sources of groundborne vibration and would generate less traffic than the Project. As such, impacts related to operational groundborne vibration under Alternative C would be less than significant with mitigation, similar to the Project.

Population and Growth - Because Alternative C includes the same number of residential dwelling units as does the Project, this alternative would add the same number residents to the Project Site – 707 residents. As shown on Table VI-4, Alternative C would generate approximately 344 employees, 214 fewer than under the Project. Because this alternative would add the same number of residents and fewer employees to the Project Site than would the Project, the growth associated with Alternative C would fall within growth projections for the Community Plan area and the City, as well. Thus, impacts related to population and housing under Alternative C would be less than significant, similar to the Project.

Public Services - The construction phase associated with Alternative C would likely be somewhat similar in duration than that under the Project. As such, impacts on fire protection services associated with construction under this alternative would be less than significant, similar to the Project. Additionally, any and all development of the Project Site (including development under Alternative C) would be required to comply with City Fire Code, California Fire Code, City Building Code, and National Fire Protection Association standards, thereby ensuring that new development would not create any undue fire hazard. Also, LAFD would require Alternative C to incorporate a sprinkler system into the development to assist with fire suppression, in the event of a fire. Similar to the Project, Alternative C would not require the need for new or altered fire station facilities, and impacts would be less than significant.

Similarly, impacts on police protection services associated with construction under this alternative would be less than significant, similar to the Project. Additionally, all of the security and crime prevention features described above for the Project also would be incorporated into Alternative C. Further, Alternative C would be required to comply with LAPD review requirements and emergency access requirements and would be required to contribute funding to police protection services in the area by generating annual revenue from property taxes that would be deposited into the City's General Fund, which could be used to hire additional police officers. Alternative C's direct population increase and associated demand for police services, along with the provision of on-Site security features, coordination with LAPD, and incorporation of crime prevention features, would not require the provision of new or physically altered police stations in order to maintain acceptable service ratios or other performance objectives for police protection. Therefore, impacts related to police protection services under Alternative C would be less than significant.

Additionally, because Alternative C includes the same number of dwelling units as the Project, the number of students generated under Alternative would be the same as for the Project. Therefore, impacts to school services under Alternative C would be less than significant, similar to the Project. Similar to the Project, the increased residential population associated with Alternative C (approximately 707 residents) in a currently underserved area would potentially increase the demand on existing parks and recreational facilities. Through compliance with LAMC requirements, impacts related to parks and recreational services under Alternative C would be less than significant, similar to the Project. Finally, Alternative C would

generate the same number of residents as the Project and would generate a similar demand for library services as the Project. Therefore, impacts related to library services under Alternative C would be less than significant, similar to the Project.

Transportation/Traffic - As shown on Table VI-9 of the Draft EIR, Alternative C would not result in any significant intersection LOS impacts under the Existing Plus Project traffic scenario, similar to the Project. Alternative C would result in significant unavoidable impacts during the AM peak hour at Intersection No. 7 and during the PM peak hour at Intersection No. 8 (similar to the Project), but Alternative C would avoid the significant unavoidable impacts during the PM peak hour at Intersection No. 7 and the AM peak hour at Intersection No. 8 that would occur under the Project.

A supplemental analysis was prepared to address impacts under the Future Condition “with the My Fig project” given the completion of the My Fig project. This supplemental analysis is also consistent with the inclusion of that supplemental analysis for the Project in the Draft EIR (Section IV.L Transportation/Traffic) for informational purposes, even though such analysis was not required by LADOT. As shown on Table VI-11, assuming completion and operation of the My Fig project, Alternative C would result in significant impacts at three study intersections – Intersection No. 7 (AM peak hour), Intersection No. 8 (AM and PM peak hours), and Intersection No. 9 (AM and PM peak hours) – resulting in the reduction of one peak-hour impact as compared to the Project (i.e., peak-hour impact at Intersection No. 7).

Further, although Alternative C includes development of 68,498 less square feet than the Project, the overall amount of construction traffic that would be generated and the overall construction phase duration under Alternative C would be substantially similar to those under the Project. Similar to the Project, Alternative C would be required to implement a Construction Traffic Management Plan (Mitigation Measure L-1), which would minimize construction traffic impacts on the roadways in the Project Site area. Also similar to the Project, alternative-specific construction traffic impacts would be less than significant. However, cumulative construction traffic impacts under Alternative C would be significant and unavoidable.

Alternative C would generate fewer peak hour trips than the Project. As such, impacts related to CMP roadway facilities under Alternative C would be less than significant, similar to the Project. Further, given that Alternative C would generate fewer daily transit trips than the Project, the 46 transit lines serving the Project Site would be able to accommodate Alternative C, and impacts related to transit services under this alternative would be less than significant, similar to the Project. Finally, because this alternative would generate fewer daily and peak hour trips than the Project, impacts related to Caltrans facilities would be less than significant under Alternative C, similar to the Project.

Tribal Cultural Resources - Any development of the Project Site that includes ground-disturbing activities such as grading and excavation could result in encounters with unknown tribal cultural resources. As such, any developer of the Project Site would be required to comply with the City’s Standard Condition of Approval for the Inadvertent Discovery of Tribal Cultural Resources, and any potential impacts would be reduced to less than significant, similar to the Project.

Utilities and Service Systems - As shown on Table VI-13 of the Draft EIR, Alternative C would generate a net total of approximately 92,802 gpd of wastewater (or 0.09 mgd), 80,695 gpd of wastewater less than the Project. Thus, impacts related to wastewater service under Alternative C would be less than significant, similar to the Project. Also, Alternative C would consume approximately 157,556 gpd of water, 37,020 gpd of water less than the Project. Thus, impacts related to water supply under Alternative C would be less than significant, similar to the Project. Further, because this alternative includes development of the same Site as under the Project and with similar land uses but with less overall square footage, the amount of demolition and construction waste and long-term operational waste generation under Alternative C would be less than under the Project. As such, impacts related to solid

waste under Alternative C would be less than significant, similar to the Project. Finally, because LADWP and SoCalGas could accommodate the Project's demand for electricity and natural gas (respectively), the demand for electricity and natural gas associated with Alternative C also could be accommodated, as it includes less overall square footage as the Project on the same Site. Thus, the demand for electricity and natural gas under Alternative C would not result in a wasteful or inefficient use of energy, similar to the Project.

### **Finding**

Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

### **Rationale for Finding**

Given the reduced residential and retail development and no development of hotel uses under Alternative C, this Alternative would only partially meet most of the Project Objectives and would meet those objectives to a lesser degree as compared to the Project.

Alternative C could be developed to meet Project Objective 1 (DTLA skyline). However, due to the reduction in building height as compared to the Project, the building under Alternative C might not contribute to the Downtown Los Angeles skyline. Given the reduced height, Alternative C would not achieve this objective to the same degree as the Project. It would partially meet Project Objective 2 (smart growth) because the alternative includes a reduced amount of retail land uses and does not include any office uses. Given the reduced retail and elimination of hotel uses, Alternative C would meet this objective to a lesser degree as compared to the Project. It would meet Project Objective 3 (pedestrian-friendly retail zone), although possibly to a lesser degree as compared to the Project due to the reduction retail square footage. Alternative C would meet Project Objective 4 (unique housing). Alternative C would partially meet Project Objective 5 (multi-use location) because the alternative includes residential uses in the same location as commercial uses. However, Alternative C would not meet this objective to the extent the objective supports providing residential uses in the same location as office uses. Given the reduction in commercial uses and elimination of office uses, this Alternative will meet this objective to a lesser degree as compared to the Project. Alternative C would meet Project Objective 6 (City economic growth), but to a lesser degree than the Project due to the reduced retail uses and elimination of office uses. It would meet Project Objective 7 (different sized residential units).

In addition, the City's planning goals and policies indicate that redevelopment of the Project Site should be high-density. Alternative B would not maximize developable area on the Project Site due to the reduced proposed density of the alternative. Moreover, the City's has stated its vision for the Project Site in several documents, which indicate that the Project Site should contain high density uses to maximize density on redevelopment Sites located adjacent to transit and within the transit core areas identified in the City's planning and policy documents. (See e.g., 2008 RCP Land Use and Housing Policy LU-4; General Plan Framework Element: Land Use Chapter, Policies 3.1.1, 3.2.2; General Plan Housing Element, Policy 1.3.5; Central City Community Plan Residential Policy 1-1.1.) The reduced density associated with Alternative C conflicts with the City's planning goals and is undesirable from a policy standpoint.

Furthermore, regarding social and other considerations, the Project Site is located in an area of the City that is undergoing rapid change and densification. The existing conditions and development trends immediately surrounding the Project Site are maximizing density because the area is transit rich, located adjacent to other major office buildings and regional entertainment venues. Thus, there are several social and other considerations that warrant maximizing the density of development on the Project Site to implement an office project that can deliver the amount and type of office rooms and amenities desired by the City to support business demand.

### **Reference**

For a complete discussion of impacts associated with Alternative C, see Section VI (Alternatives to the Proposed Project) of the Draft EIR.

### ***Environmentally Superior Alternative***

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. An environmentally superior alternative is an alternative to a project that would reduce and/or eliminate the significant, unavoidable environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project.

Alternative A (the No Project Alternative) would be environmentally superior to the Project, since this alternative would avoid all of the significant (but mitigatable) impacts, including Air Quality (Regional and Localized Construction Emissions and Sensitive Receptors), Cultural Resources (Archaeological Resources) Hazards and Hazardous Materials (Upset Conditions Involving the Release of Hazardous Materials), Noise (Construction Noise and Construction Vibration), and Utilities and Service Systems (Water Services), and the significant unavoidable impacts related to Transportation/Traffic (Operational Intersection LOS and Construction Traffic) that would occur under the Project. Also, Alternative A would not achieve any of the Project objectives.

In accordance with CEQA Guidelines Section 15126.6(e), if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives, which include Alternative B and Alternative C.

Because Alternative B would likely lessen the degree to which any impact would occur under the Project, given the reduction in overall square footage, and would avoid the significant unavoidable construction traffic and intersection LOS impacts that would occur under the Project, Alternative B is the Environmentally Superior Alternative. However, Alternative B would only partially meet the Project Objectives and would meet those objectives to a lesser degree as compared to the Project.

### ***Alternatives Rejected as Being Infeasible***

Section 15126.6(c) of the CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible, and briefly explain the reasons underlying the lead agency's determination. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives can be rejected by the City for specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, that make infeasible the project alternatives identified in the final EIR. Alternatives to the Project that have been considered and rejected as infeasible include the following:

**Alternate Project Site** - This alternative considered development of the Project on an alternate Site within the Project Site area. However, this alternative was rejected for further analysis, because the Project Applicant does not own or have control over any other developable property in the Project Site area and cannot “reasonably acquire, control or otherwise have access to [an] alternative Site” (refer to Section 15126.6[f][1] of the CEQA Guidelines). Thus, this alternative was deemed infeasible.

**All Office Alternative** - This alternative considered development of the Project Site with only an office land use and associated parking. However, this alternative was rejected for further analysis, because developing a single land use at the Project Site would not meet nearly all of

the Project Objectives, including the most basic and important purpose the Project, which is to develop a mix of land uses at the Project Site that aim to ensure the activation of the City streetscape, where retail land uses on the first three levels, followed by office land uses, and topped with hotel and residential land uses would attract pedestrians from within the Project Site area, while providing support to local businesses, attractions, and places of employment. Because this alternative would not meet nearly all of the Project Objectives, this alternative was considered infeasible.

### **Significant Irreversible Environmental Changes**

Section 15126.2(c) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation.

Pursuant to section 15126.2(c) of the CEQA Guidelines, the City considered the potential significant irreversible environmental changes that could result from the Project. Construction of the Project would require the use of nonrenewable resources (i.e., wood, metals, sand, gravel, fossil fuels) for building materials and to fuel construction vehicles and equipment. Subsequent use and maintenance of the Project would also require the long-term consumption of these non-renewable resources at reduced levels. Recently, shortages of water, steel, and concrete ingredients have been issues of concern. The commitment of resources required for the construction and operation of the Project would limit the availability of such resources for future generations or for other uses during the life of the Project. Although these resource commitments and environmental changes would occur gradually, their combined loss could be considered significant and irreversible. However, continued use of such resources is consistent with the anticipated growth and planned changes on the Project Site and in the City. As such, any irreversible damage caused by the Project from use of nonrenewable resources, including irretrievable commitments of nonrenewable resources, would be less than significant.

The Project would also result in commitment of the land at the Project Site, eliminating other options for its use. The existing Site would be replaced with a new mixed-use development. Along with the long-term commitment of land uses is an increased commitment of certain public services to the Project. This includes the provision of police, fire and emergency medical services, water supply services, wastewater treatment services, and solid waste disposal. As explained above, the Project would not create significant or irreversible damage resulting from the commitment of land at the Project Site, including the increased commitment of certain public services.

The Project would allow for the development of residential and retail land uses. During long-term operation of the Project, some hazardous materials such as solvents, cleaners, and petroleum products could be used and stored at the Site. However, the amounts of these materials that would be present at the Site would be insignificant, and the users of these materials would be required to comply with all local, state, and federal laws pertaining to the management of hazardous materials and wastes. Through compliance with these laws, the Project would not create irreversible damage resulting from environmental accidents associated with the Project.

### ***Growth-Inducing Impacts***

Pursuant to section 15126.2(d) of the CEQA Guidelines, the City considered the Project's potential growth-inducing impacts. Generally, a Project may foster or encourage population

growth in a geographic area if it meets any of the following criteria: (i) economic expansion or growth (e.g., changes in revenue base, employment expansion, etc.); (ii) removal of an impediment to growth (e.g., establishment of an essential public service or the provision of new access to an area); (iii) establishment of a precedent-setting action (e.g., an innovation, a change in zoning, or general plan amendment approval); or (iv) development of or encroachment on an isolated adjacent area of open space (being distinct from an "infill" type of encroachment).

As discussed in Section IV.J (Population and Housing) of the Draft EIR, based on the 2016 persons-per household rate for the Central City Community Plan, the Project would add a residential population of approximately 707 people to the Project Site. The Project's residential population would represent approximately 0.73 percent of the forecasted growth between 2016 and 2040 in the Central City Community Plan Area. The Project's housing units would represent approximately 0.37 percent of forecasted growth between 2016 and 2040 in the Community Plan area. Thus, the Project's population growth would fall within the forecasted growth for the Community Plan area.

The Project's residential population would represent 0.21 percent of the forecasted growth between 2020 and 2035 in the City and 0.11 percent of the forecasted growth between 2020 and 2040. The Project's housing units would represent approximately 0.21 percent of forecasted growth between 2020 and 2035 in the City and 0.15 percent between 2020 and 2040. The Project's employment would represent approximately 0.62 percent of the forecasted growth between 2020 and 2035 in the City and 0.15 percent between 2020 and 2040. Thus, the Project's population growth would fall within the forecasted growth for the City.

The land use designation for the Project Site in the Community Plan is Regional Center Commercial, with an underlying corresponding C2-4D (Commercial, Height District 4 with Development Limitation) zoning designation. The Project's proposed land uses are allowed under the existing land use designation and zoning. The Development Limitation associated with the existing zoning of the Project Site limits the developable FAR to 6:1. However, pursuant to Section 14.5 of the LAMC, the Project Applicant is seeking a TFAR of 559,452 square feet from a "donor" Site to the Project Site that would allow an increase in the FAR associated with the Project to 13:1. With the TFAR, the Project would not result in an increase in housing and associated residential population within the Community Plan area or City that was not already anticipated. Thus, the Project would not result in unexpected population growth. Therefore, Project impacts related to population and housing would be less than significant.

The Project would include improvements to infrastructure, including drainage, sewer, water, electricity, and natural gas near and at the Project Site to serve the Project only. Such infrastructure improvements would be limited to the Project Site and would not extend onto adjacent parcels. Therefore, Project impacts related to substantial population growth resulting from infrastructure improvements would be less than significant.

Additionally, as discussed in Section IV.I (Noise) of the Draft EIR, the Project's commercial development would generate approximately 558 employees. However, the types of jobs associated with the Project (i.e., hotel employees, retail cashiers and clerks, office workers) could be accommodated by people in the existing workforce in the Project Site vicinity and/or other areas of the City.

### **Statement of Overriding Considerations**

The Final EIR for the Project has identified unavoidable and significant impacts that will result from implementation of the Project. Section 21081 of the Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when a public agency's decision allows the occurrence of a significant impact identified in a Final EIR that is not at least substantially

mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. Article I of the City of Los Angeles CEQA Guidelines incorporates all of the State CEQA Guidelines contained in title 15, California Code of Regulations, sections 15000 et seq., and hereby requires, pursuant to CEQA Guidelines Section 15093(b) that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the Final EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These Findings and the Statement of Considerations are based on the record of proceedings, including, but not limited to, the Final EIR, and other documents and materials that constitute the record of proceedings.

Based on the analysis provided in the Final EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to Traffic and Transportation.

Accordingly, the City adopts this Statement of Overriding Considerations. Having (i) adopted all feasible mitigation measures; (ii) determined that Alternatives A, B and C would not meet the Project objectives to the same degree as the Project, as discussed above in Section VII; (iii) recognized the significant and unavoidable impacts; and (iv) balanced the benefits of the Project against its significant and unavoidable impacts, the City hereby finds that each of the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The City further finds and determines that:

- a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
- b) Based on the Final EIR, the Statement of Overriding Considerations herein, and other documents and information in the record with respect to the construction and operation of the project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the project and implementing actions.

The below stated reasons summarize the benefits, goals, and objectives of the Project and provide the rationale for the benefits of the Project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits listed below would be sufficient to outweigh the adverse environmental impacts of the Project and justify its approval.

1. **Smart Growth.** The Project is consistent with the City's current and long-term planning visions for the Project Site. The City desires to locate density near mass transit to reduce environmental impacts and implement smart growth planning decisions. This strategy is particularly relevant to reduce traffic, air quality, greenhouse gas, and health impacts that are caused by vehicular travel. The Project is near Metro Expo Line and Blue Line transit stations and existing and new pedestrian and bicycle infrastructure developed as part of the MyFigueroa project. In addition, the Project is within the downtown Los Angeles regional center, and in proximity to the Los Angeles Convention Center and the Los Angeles Sports and Entertainment District, including the L.A. Live complex. In these respects, the Project is consistent with planning goals and policies to improve the area, and results in a beneficial reduction in Vehicle Miles Travelled and related environmental and land use impacts. Implementation of the Project will capitalize on smart growth by substantially improving existing conditions on the site, which contains limited residential and commercial opportunities, with an infill mixed-use development containing residential,



office, and visitor-serving hotel uses that fulfill policy directives to focus housing and employment growth within High-Quality Transit Areas (HQTAs) designated by the Southern California Association of Governments (SCAG).

2. **Supports City's Hotels Goals and Tourism.** The City has an established mandate to develop 8,000 hotel rooms within walking distance to the Los Angeles Convention Center, and the Project provides a material benefit to the City accomplishing this goal by contributing 373 hotel guest rooms located near the Los Angeles Convention Center. Hence, the Project is a substantial benefit for the City by accommodating visitors and tourism and to become more competitive with other cities that attract large conventions and the related direct and indirect economic benefits.
3. **Supports City's Housing Goals.** The Project helps achieve the Mayor's goal to build 100,000 units of housing by 2021 and provide support toward the City's Regional Housing Needs Assessment allocation, by developing 374 new multi-family residential condominiums, in a mix of unit sizes, thereby significantly enhancing the diversity and stock of housing in the downtown area.
4. **Employment and Tax Revenue.** The Project will develop new retail, restaurant, commercial office, and ancillary hotel uses that provide short- and long-term employment opportunities for the City. The Project would provide substantial economic benefits for the City as it would generate construction jobs, and operation will create 558 permanent jobs. In addition, the Project would result in construction revenues of approximately \$4.4 million and annual generation of approximately \$8.3 million. In addition, the Project will attract new hotel guests and residents which are likely to support the local businesses contained within the mixed-use project and in the vicinity of the site.
5. **Pedestrian Enhancements.** The project proposes ample bike parking, a pedestrian-friendly environment, and a Traffic Demand Management (TDM) program that supports multi-modal options for residents, employees, and visitors of the site, including payments for bicycle infrastructure improvements and pedestrian continental crosswalks in the vicinity. The Project would also focus growth along major transportation corridors and within walking distance of a transit station, and would provide bicycle facilities in proximity to the MyFigueroa project, supporting multi-modal mobility options and enhancing the predominantly restaurant and hotel options presently available in and around L.A. Live.
6. **Public Benefits.** The project will contribute \$23,203,404.68 as part of the Transfer of Development Rights proposed in public benefits, with 50% of that total being assigned to the Public Benefit Payment Trust Fund, and other payments assigned to specific initiatives in the downtown area, which may include affordable housing and public park improvements.
7. **Contribution to Downtown Architecture.** Implementation of the Project will include the development of an iconic, architecturally-compelling tower, which contributes visual distinction and a unique feature to the Downtown Los Angeles skyline, particularly when viewed from the south.
8. **Sustainability.** The Project will be consistent with the City's Green Building Code and Mayor's Green New Deal by incorporating sustainable and green building design and construction to promote resource conservation, including electric-vehicle charging, solar-panels, and water conservation measures in excess of Code requirements.

### **General Findings**

1. The City, acting through the Department of City Planning, is the “Lead Agency” for the project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential project and cumulative environmental impacts: Aesthetics, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Transportation, Tribal Cultural Resources, Utilities and Service Systems, Energy conservation and Infrastructure, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
7. The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
  - The City has thoroughly reviewed the public comments received regarding the project and the Final EIR as it relates to the project to determine whether under the requirements of CEQA, any of the public comments provide substantial

evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.

- None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
  - The mitigation measures identified for the project were included in the Draft EIR and Final EIR. As revised, the final mitigation measures for the project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the project. The City finds that the impacts of the project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
8. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the project and has been designed to ensure compliance with such measures during implementation of the project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.
  9. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the project.
  10. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
  11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
  12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the project.
  13. The EIR is a project EIR for purposes of environmental analysis of the project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City and the other regulatory jurisdiction.

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

April 17, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are three options for filing appeals, described below.

### OPTION 1: NON-APPLICANT ONLINE APPEAL PORTAL

([planning.lacity.org/development-services/appeal-application-online](https://planning.lacity.org/development-services/appeal-application-online))

Non-applicant appeals of entitlements can now be submitted online and payment can be made by credit card. The online appeal portal allows non-applicants to fill out and submit the appeal application directly to the Development Services Center. Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. *Note: a 2.7% credit card processing service fee will be charged. CEQA appeals, Building and Safety appeals (LAMC Section 12.26K), and Applicant appeals can only be filed using Option 2 or 3 below.*

### OPTION 2: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

#### STEP 1:

Email [planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org) with the subject line: **"Request to File Appeal."** In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

#### STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)
- **Mail the appeal application to:**  
Department City Planning - Metro DSC  
201 N. Figueroa St., 4th Floor  
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. **Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.**

### OPTION 3: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/ Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment