



MICHAEL N. FEUER
City Attorney

REPORT NO. R 22 - 0098
MAR 24 2022

REPORT RE:

**DRAFT ORDINANCE AUTHORIZING THE ADOPTION OF
A DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF LOS ANGELES AND P AND L FIGUEROA INVESTORS, LLC**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 17-0273
CPC-2016-3044-DA

Honorable Members:

Previously, the City Council took an action requesting that our Office prepare and present the necessary ordinance to authorize the execution of a development agreement between P and L Figueroa Investors, LLC (the Developer) and the City. As requested, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality, and the development agreement (the Development Agreement) in a form we can also approve.

Background

The proposed Development Agreement would have a term of seven years and would vest the Project Approvals for the Developer's proposed project located at 3031-3105 South Figueroa Street. The Developer's proposed project would include the construction of a new seven-story hotel building with a maximum of 275 guest rooms with the hotel accommodating two different hotel brands within the building, one an

extended stay hotel brand operating 150 larger all-suite rooms and the other, a select brand operating 125 standard hotel rooms with one lobby serving both brands on the ground floor with ground floor amenity areas, including a lounge for hotel patrons, an approximately 1,400 square-foot public restaurant/café also located on the ground floor for general public use, and an amenity deck on the second floor podium providing a pool, barbeque area and lounge area, an indoor fitness center, and small conference rooms, offices, lounges and laundry facility located on the second floor, including 173 parking spaces in one level of subterranean parking and one level at-grade within the hotel building, with the proposed building being approximately 85 feet tall to the top of the roof and 94 feet tall to the top of the elevator overrun above the roof (the Project).

Under the proposed Development Agreement, the Developer has agreed to deposit \$500,000 into the Council District 9 Public Benefits Trust Fund, which payment shall be dedicated for recreation and parks capital improvements, green space programming, and/or the acquisition of land to help offset the disparity in available green space to South Los Angeles residents, within Council District 9 boundaries.

Findings

The required Charter and Government Code findings were prepared by the Department of City Planning and are contained in the Planning Department staff report dated June 23, 2017, at pages F-1 through F-2. Should the City Council adopt this draft ordinance, it may comply with the provisions of Charter Section 558 and the Government Code by adopting these findings or by making its own findings.

California Environmental Quality Act (CEQA)

If the City Council wishes to adopt the ordinance and Amendment, it must first comply with CEQA. The Mitigated Negative Declaration for the Project was previously adopted by the City Council on June 30, 2017. Therefore, the City Council may comply with CEQA by taking the following action prior to, or concurrent with, any action to adopt the ordinance and Development Agreement:

“FIND under the California Public Resources Code, section 21166 and the State’s Environmental Quality Act (CEQA) Guidelines section 15162, on the basis of substantial evidence contained in the whole record, that since adoption of mitigated negative declaration No. ENV-2016-2467-MND, on June 30, 2017, by the City Council, there have been no changes to the Project, changes with respect to the circumstances under which the Project is being undertaken, or new information of substantial importance concerning the Project, which cause new significant environmental effects or a substantial increase in the severity of previously identified effects, and therefore no subsequent negative declaration, addendum, or further environmental documentation is necessary.”

Government Code Requirements for Notice and Hearing

Before action may be taken on either the draft ordinance or the Development Agreement, the City must comply with the provisions of Government Code Sections 65867, 65090 and 65091. Those sections require, among other things, notice and a public hearing. In addition, the City's development agreement procedures state that the City Council shall not take any action on any development agreement prior to the expiration of a 24-day notice.

Recommended Actions

If the City Council wishes to approve the proposed Development Agreement as recommended by the City Planning Commission, it must:

1. FIND under the California Public Resources Code, Section 21166 and the State's Environmental Quality Act (CEQA) Guidelines Section 15162, on the basis of substantial evidence contained in the whole record, that since adoption of mitigated negative declaration No. ENV-2016-2467-MND, on June 30, 2017, by the City Council, there have been no changes to the Project, changes with respect to the circumstances under which the Project is being undertaken, or new information of substantial importance concerning the Project, which cause new significant environmental effects or a substantial increase in the severity of previously identified effects, and therefore no subsequent negative declaration, addendum, or further environmental documentation is necessary; and

2. Adopt the enclosed draft ordinance authorizing the execution of the Development Agreement.

Council Rule 38 Referral

Pursuant to Council Rule 38, copies of the draft ordinance and the Development Agreement were sent to the Department of Building and Safety, and Department of Recreation and Parks, with a request to direct any comments directly to your Honorable Body or your Committees at the time this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Laura Cadogan Hurd at (213) 978-8177. She or another member of this Office will be available when you consider this matter to answer any questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

DM/LCH:kh
Transmittals