



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



City Planning Commission

Date: July 9, 2009
Time: After 8:30 am
Place: City Hall
200 N Spring St, Room 1010
Los Angeles, CA 90012

Public Hearing: June 10, 2009
Expiration Date: N/A
Appeal Status: N/A

Case No.: CPC-2009-874-CDO-ZC
COMMUNITY DESIGN OVERLAY PLAN & ZONE CHANGE
CEQA: ENV-2009-1487-ND
Incidental Cases: None
Council No.: Council District 14
Plan Area: Central City Community Plan
Certified NC: Downtown Los Angeles
Plan Land Uses: Regional Center Commercial, Public Facilities
Zone: C2-4D, [Q]C4-4D, C5-4D, PF-4D
Applicant: City of Los Angeles

PROJECT LOCATION: The area comprised of all parcels fronting Broadway between 2nd Street and Olympic Boulevard.

PROPOSED PROJECT: The establishment of the Broadway Theater and Entertainment District Design Guide (a Community Design Overlay per Section 13.08 of the L.A.M.C.) that applies design guidelines and development standards for the rehabilitation of historic buildings; site planning; building design and massing; architectural features; landscaping, vehicular access and parking; and signage to improve the visual and aesthetic quality of the District; encourage pedestrian oriented development; support the reuse of historic theaters and complementary night-time uses; and foster Broadway as a regional entertainment destination within Downtown Los Angeles. A zone change imposing permanent "Q" Qualified Conditions will implement the goals and objectives of the Broadway Theater and Entertainment District Design Guide is also proposed.

REQUESTED ACTION:

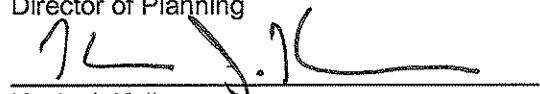
1. Pursuant to Section 12.32(S) of the Municipal Code, the adoption of a **Community Design Overlay** District with corresponding design guidelines and development standards.
2. Pursuant to Section 12.32(C) of the Municipal Code, a **Zone Change** to those parcels lying within the Broadway Theater and Entertainment Design Guide boundary from C2-4D to [Q]C2-4D-CDO, from [Q]C4-4D to [Q]C4-4D-CDO, and from C5-4D to [Q]C5-4D-CDO.
3. Pursuant to Section 21082.1 (c)(3) of the California Public Resources Code, the adoption of the Negative Declaration No. ENV-2009-1487-ND for the above project.

RECOMMENDED ACTIONS:

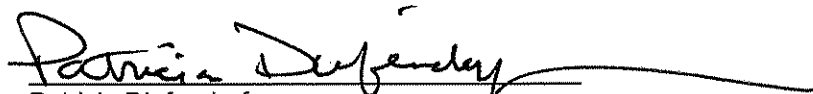
APPROVE the staff report and **ADOPT** attached findings;
APPROVE Negative Declaration No. ENV-2009-1487-ND dated May 22, 2009 (Exhibit C);
APPROVE the proposed Broadway Theater & Entertainment Design Guide (CDO) boundaries;
RECOMMEND that the City Council adopt the Ordinance establishing the CDO boundaries as shown (Exhibit A);
APPROVE the proposed Broadway Theater & Entertainment Design Guide Design Guidelines and Standards (Exhibit B).

APPROVE AND RECOMMEND that the City Council adopt the Zone Change Ordinance to institute the recommended Qualifying Conditions (Page Q-1).

S. GAIL GOLDBERG, AICP
Director of Planning



Kevin J. Keller,
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PROJECT ANALYSIS

Project Summary

The Broadway Theater and Entertainment District Design Guide (hereafter referenced as Broadway Design Guide) is a Community Design Overlay per the Section 13.08 of the Los Angeles Municipal Code. It is comprised of three components that are before the commission:

1. Approving and recommending that the City Council adopt the Broadway Design Guide Boundary Area (established by ordinance);
2. Adoption of the Broadway Design Guide Design Guidelines and Standards;
3. Approving and recommending that the City Council adopt a Zone Change Ordinance to impose "Q" Qualified Conditions with design and land use restrictions and limitations that further advance the goals of the CDO.

A CDO is a planning tool to implement the objectives of the Community Plan; it can enhance the visual and aesthetic quality of an area by imposing design guidelines and standards, applicable to new developments and to alterations of existing buildings. The proposed Broadway Design Guide provides guidelines and standards for development projects on properties fronting Broadway from 2nd Street to Olympic Boulevard in the Central City Community Plan Area. The intent of the CDO is to provide design guidance and direction to enhance the visual identity, and to improve the walkability and the appearance of the Broadway Theater corridor.

Physical Setting and Characteristics

The project area is comprised of an approximately eight block area of Broadway from 2nd Street to the north to Olympic Boulevard to the south (See Exhibit A) within the Historic Core which is located within the Central City Community Plan area. The area is developed with a mix of multi-family dwellings; a variety of commercial uses housed in low-, mid-, and high-rise commercial structures; parking structures; and a state office building. Retail uses can typically be found on the ground floors of the buildings. This portion of Broadway also has a concentration of historic theaters. The land use designations of properties within the project area include Regional Center Commercial and Public Facilities, but only the commercially designated properties are subject to the proposed regulations. Parcels on this segment of Broadway are largely zoned for commercial use and have C2, C4 and C5 zoning with some parcels near the northern segment of Broadway zoned Public Facilities or PF. The properties are in Height District 4D. The "D" Development Limitation limits the floor area ratio (FAR) of projects to 6:1. Additionally, there are some parcels on the northerly section of the project area located generally from the north side of 3rd Street to 5th Street along Broadway that are zoned with [Q] Qualifying Conditions that limit the height of buildings to 150 feet. The Design Guide boundaries also encompass the six blocks of the Broadway Theater and Commercial District which is a National Register Historic District. The project area is a fully urbanized area within the City's Downtown Center.

History of The Subject Area

From the turn of the century through the 1930s, this stretch of Broadway comprised the lively theater and shopping district of Downtown Los Angeles attracting crowds of Angelinos and tourists for retail and entertainment. Broadway was a bustling street of constant activity with street cars, major department stores, film and vaudeville theaters and office space for professionals. Vaudeville was first arrived in the early 1900s. Two leading vaudeville circuits

located their theaters on Broadway—the Orpheum and the Pantages—securing Broadway as Downtown’s entertainment center. Beginning in the 1910s, a number of grand movie palaces also made their home on Broadway. Architecturally, Broadway contains some of the best and examples of commercial and theater architecture in Southern California and represent some of the most progressive architecture for buildings of this era. The tall commercial buildings, including the first Broadway Department Store and the flagship stores for Bullocks, the May Company and the Fifth Street Store, were built in a variety of classical styles. The theater architecture was more flamboyant and offered an environment of escape for audiences. The variety of architectural styles contributes to the unique character of Broadway.

The great era of movie-palace building on Broadway lasted until 1931, ending as a result of the Great Depression. The street remained a center for shopping and entertainment until the World War II era when a majority of its patrons and the City’s urban dwellers moved to the suburbs. Suburban movie theaters, department stores and shopping centers developed to serve their needs, which resulted in a change in patronage along Broadway. As the market changed, the theaters and department stores converted to other uses or closed and the historic storefronts were removed or altered.

Broadway Today

Currently, Broadway’s commercial street frontage is lined with small, active retail establishments but lacks the kind of complementary night-time uses necessary to support the sustained reuse of the corridor’s historic theaters. Although several historic theaters and structures have been rehabilitated, the theaters and upper stories of many of the buildings are still significantly underused. Specifically, attempts to attract consistent programming to the theaters have been undermined by the lack of complementary night-time uses.

Broadway Theater and Entertainment District Design Guide Goals and Objectives

This document has been developed to implement the goal of creating a vibrant corridor that hosts entertainment, cultural and retail amenities and is centered around the area’s unique asset—its 12 historic theater, which currently are valuable, underused Citywide resources. A corresponding objective is to foster a safe, pedestrian-oriented area that is complementary to and connects the various Downtown districts and activity centers.

More particularly, the goal of the Broadway Design Guide is to ensure that development reflects the overall vision of a cohesive, pedestrian-friendly and vibrant entertainment, commercial and mixed-use district with an emphasis on night-time entertainment uses. By encouraging a mix of retail, services, office uses, entertainment uses and housing, the Design Guide can help to generate concentrations of pedestrian activity to support transit, an active street environment, and a 24-hour Downtown—all of which are also stated goals of the Central City Community Plan. The Design Guide can ensure that storefronts and building façades are inviting to the pedestrian and maintain visual continuity. This can be achieved through a consistent streetwall at the property line, with appropriate recesses for entrances; adequate transparency; appropriate signage; increased landscape detailing (as appropriate) and protection of historic structures.

The design guidelines and standards emphasize preservation of the area’s rich historic resources. However guidelines for new construction are intended to be flexible in application, providing direction for design treatment without mandating one particular architectural style or form. The implementation of these guidelines ensures that each project contributes to a more functional, walkable, and appealing district, while enhancing the designated National Register Historic District. In this way, improvements to individual properties can, over time, enhance the function of Broadway as a regional cultural and entertainment district and social center.

The Broadway Design Guide's stated goals are to:

- Create a recognizable and attractive entertainment district on Broadway that enlivens the corridor, serves as a regional entertainment draw and encourages the reuse of its numerous historic theaters;
- Promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows and tourism;
- Encourage the location of entertainment-related uses in the district, including, but not limited to: restaurants, cafes, hotels, bars, cabarets, clubs, museums, and live theater to create a cohesive entertainment district that is anchored by the corridor's historic theaters;
- Encourage reuse of all historic buildings on Broadway for entertainment, retail, commercial, office, residential and other appropriate uses;
- Encourage development patterns and a mix of uses that contribute to a pedestrian-friendly environment on Broadway and promote an active street life 24 hours a day, with an emphasis on night-time and entertainment uses for residents, workers, visitors and tourists;
- Encourage pedestrian-oriented and visitor-serving uses during the evening hours to expand activity centers within Downtown and create better, safer linkages among Downtown districts;
- Preserve architecturally significant buildings by ensuring appropriate rehabilitation of those buildings that contribute to the Broadway Theater and Commercial National Register Historic District, in accordance with the Secretary of the Interior Standards;
- Provide guidelines for appropriate design of infill development that will be complementary to and enhance the Broadway Theater and Commercial National Register Historic District;
- Ensure that any potential infill projects maintain the urban form of Broadway, in particular, by reinforcing the existing streetwall;
- Promote projects that are designed to ensure compatibility among the wide range of uses encouraged in the district and which incorporate measures that help diminish noise, improve energy efficiency and mitigate other potential impacts;
- Promote outdoor dining, including sidewalk dining on the ground floor and reuse of basements and upper floors, including the roof, as appropriate;
- Encourage development that contributes to the safety and comfort of Downtown residents and visitors.

Public Outreach

This document has been developed as part of a public-private partnership between the City of Los Angeles, Broadway property owners and the Downtown community. During 2008 and early 2009, a working group of Downtown and Broadway stakeholders helped develop these guidelines to encourage the revitalization of Broadway. Previous documents, namely, the

Historic Downtown Los Angeles Design Guidelines (2002) and the Historic Downtown Los Angeles Building Facades Lighting Master Plan (2005), which were also developed with the input of a large number of stakeholders, served as the basis for these guidelines. The Broadway Design Guide updated and refined the guidelines found in those documents. Subsequent workshops and open houses have involved broader segments of the Downtown community in the development of the guidelines. These guidelines reflect community goals for a lively, attractive, pedestrian-oriented Broadway that encourages entertainment, theater, and retail uses; preserves the historic architecture of the corridor; and activates the upper floors of existing buildings. These guidelines also support community aspirations for a true entertainment hub, with theaters, dining, shopping and inviting public spaces.

Issues

Encouraging Entertainment Uses

The Broadway Design Guide is intended to help promote a vibrant, pedestrian-oriented, mixed use district that has a night time, entertainment focus intended to activate the area's collection of historic theaters. The objective is to encourage restaurants, bars, night clubs and other complementary night-time uses that can support and foster a thriving entertainment district. The Design Guide will ensure that existing historic structures are rehabilitated appropriately; new construction is compatible with its surroundings; new projects will enhance and reinforce the existing pedestrian environment; and that the aesthetic and visual quality of corridor will be improved. The Design Guide is envisioned as one of several programs/efforts necessary to ensure the success of a Broadway Theater and Entertainment District, including a streetscape and infrastructure plan and the streetcar. Other future planning efforts that will also be needed to implement this goal and will likely require land use incentives to further encourage the types of uses necessary to support an entertainment district on Broadway. These incentives can be implemented through the Central City New Community Plan Program and may include floor area incentives for entertainment uses and parking reductions, among others.

Compatibility of Uses and Design

A key objective of the plan is to find ways to ensure compatibility among the diverse uses envisioned for the corridor—particularly residential uses and entertainment uses—and design. That was a focus of discussion among working group members during the development of the design guidelines. As such one of the underlying principles of the Broadway Design Guide is compatibility. The design guide promotes projects that seek to improve compatibility, both with respect to design and use. The design guidelines encourage projects that are designed to be compatible with their surroundings. Likewise, it promotes projects that, when feasible and consistent with preservation goals, incorporate design features that improve compatibility amongst a wide range of uses. Project applicants will be encouraged to consider rehabilitation techniques that help attenuate noise, improve energy efficiency and mitigate other potential impacts. Moreover, [Q] Qualified Conditions that will be adopted by ordinance to further implement the goals of the Broadway Design Guide identify which uses should be prohibited because they would be incompatible or inconsistent with the goals of the district. Given the overarching goal of creating an active, pedestrian friendly environment, the conditions also identify those uses that may be permitted but should be limited to upper floors in order to maintain the pedestrian orientation of the corridor.

Coordination with other City entities

The Broadway Design Guide aims to ensure that the project review process is as seamless for the applicant as possible. As such, procedures have been developed for the review of projects

that incorporates the review of Department of City Planning Office of Historic Resources (OHR) and the Community Redevelopment Agency (CRA) who each also have purview over development in the area. Any projects involving a designated Historic Cultural Monuments (HCMs) and properties listed in or determined eligible for the National Register of Historic Places (listed in Appendix A) will be reviewed by the Office of Historic Resources for compliance with the Secretary of Interior's Standards. Design Guide project review for HCMs will be led by the Department of City Planning Community Planning Bureau with coordinated internal review and input from OHR staff and the CRA staff as needed on a project-by-project basis. Because the Broadway Design Guide boundaries are located within the City Center Redevelopment Project Area, the Community Redevelopment Agency also signs off on building permits. In order to avoid duplicative project review, projects not involving HCMs (properties listed in Appendix A) will jointly be reviewed by the CRA and the Department of City Planning. The Department of City Planning will be the lead and will coordinate review and input from the CRA and OHR, as needed, on a project-by-project basis.

Conclusion

The Broadway Design Guide was developed as part of a larger initiative to establish an entertainment district on Broadway that is anchored by its unique collection of historic theaters. The district is viewed as a Citywide resource which has the potential to become a regional attraction that will draw visitors, serve residents and support the continued development of a vibrant, 24-hour Downtown Los Angeles, consistent with General Plan policies. The guidelines will ensure that existing historic structures are rehabilitated appropriately; new construction is compatible with its surroundings; new projects will enhance and reinforce the existing pedestrian environment; and that the aesthetic and visual quality of corridor will be improved. By encouraging a mix of retail, services, office uses, entertainment uses and housing, the Design Guide can help to generate concentrations of pedestrian activity to support transit, foster an active and safe street environment and continue to link important Downtown Districts.

[Q] QUALIFIED CONDITIONS

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

[Q] Conditions:**Definitions**

Prevailing Setback: The most commonly reoccurring line between the property line and the vertical exterior façade of one or more building on the same block or street frontage. Along Broadway, the prevailing setback in many cases coincides with the property line or is offset from the property line between six (6) inches and one (1) foot.

Streetwall: The vertical exterior facade of one or more buildings adjacent and parallel to the sidewalk. The cumulative façade effect created on a pedestrian oriented corridor when structures are built to the edge of the front property line and each side property line or the prevailing setback.

Uses

1. The following uses are prohibited:

Auto-related and other vehicular uses, excluding parking
Adult entertainment uses,
Tattoo Parlors,
Pawnshops,
Recycling centers.
Storage uses (except for minor accessory storage uses),
Medical Marijuana Dispensaries and Rehabilitation Facilities,
Penny Arcades (including video or amusement arcades), and
Equipment Repair shops.

2. The following uses shall be prohibited on the ground floor up to a depth of 25 feet from the streetwall:

Residential uses, except for residential lobbies,
Jewelry manufacturing,
Parking,
All office uses, including all medical uses, and
Institutional uses, such as educational and philanthropic institutions, except for libraries, museums and other arts-related uses.

3. Ground floor commercial uses shall be built to the property line or prevailing setback, whichever applies.
4. Surface parking lots as a main use are prohibited.

Building Form and Massing

5. With the exception of additions to the rear of the building, any alterations or additions to existing buildings shall be built to the property line or maintain the prevailing setback (building wall along the sidewalk), where a prevailing setback is different from the

property line. Storefronts and building entryways may be recessed as long as the main structural elements (structural bays) are built to the property line or prevailing setback, as applicable. In no event shall the setback exceed two feet.

6. All new buildings shall be built to any property line abutting Broadway and any perpendicular street. The following shall also apply:
 - a. The minimum streetwall (building wall along the sidewalk) shall be 100 feet in height and the maximum shall be 150 feet in height. Heights below 100 feet may be permitted by an action of the Zoning Administrator, in accordance with LAMC Section 12.24X.
 - b. Not less than 95% of the streetwall shall be built to the property line or prevailing setback.
 - c. For new buildings or additions south of Fourth Street, portions of buildings above 150 feet shall be stepped back from the front and side property lines a minimum of 30 feet.
 - d. A break in the streetwall (building wall along the sidewalk) may be permitted for a distance not to exceed the linear feet required for pedestrian and vehicular access, when vehicular access cannot be obtained from a side street or an alley as determined by the Director of Planning, in consultation with the Department of Transportation (DOT).
7. The lot coverage for portions of buildings over 150 feet shall cover be no less than 30% of the lot and no more than 40% of the lot.

Parking.

8. No parking shall be permitted between the building and any abutting street.
9. Parking shall be located to the rear of the building, underground or enclosed within a structure.
10. Ground floor commercial uses at a minimum depth of 25 feet shall be provided in any parking structure fronting Broadway or any perpendicular street.

Ground Floor Treatment

11. The minimum floor-to-ceiling height of the ground floor of any new building shall be 15 feet.
12. All new construction or the addition of floor area to an existing building or structure fronting substantially or in part on a public street shall provide at least one ground floor pedestrian entrance to each premise or storefront from a public street or pedestrian walkway. Entrances to residential lobbies or primary building lobbies shall be more prominent than other entrances along the public street.
13. A minimum of 70 percent of the building façade at the ground level abutting Broadway shall consist of doors and transparent windows.

Urban Design

14. Corporate establishments and formula or retail businesses shall be designed to comply fully with the Broadway Design Guide.

Mechanical Equipment

15. All structures on the roof, including air conditioning units, mechanical equipment, vents, skylights, solar panels, parapets etc., shall not be visible from the street at ground level. Any roof projections shall be located a minimum of 5 linear feet from the roof edge. Any roof projections within 10 linear feet from the roof edge shall be limited to a height of 5 feet. Roof projections located greater than 10 linear feet from the roof shall be permitted per LAMC.
16. Required restaurant venting shall be installed on a secondary façade and integrated with the design of the building whenever feasible.

Signage

17. Signage shall comply with L.A.M.C. Article 4.4, Sections 14.4.1 through 14.4.20. In no case shall the total sign area for wall signs for a single building exceed 1.5 square feet for each foot of linear building frontage.
18. Each business or tenant shall be permitted one pedestrian sign limited to a maximum of six (6) square feet in size.
19. The following signs are prohibited: billboards; supergraphic signs; canister (cabinet) signs; pole signs; monument signs; animated signs; temporary signs; inflatable signs; and electronic message display signs (except for time and temperature signs and signs displaying parking and transit information).

Removal of Existing [Q] Condition

20. Remove the existing Q Condition found in Ordinance No. 161,603 from the subject properties.

FINDINGS

General Plan/Charter Findings

A. Design Guide (also known as Community Design Overlay District (CDO) Boundaries

1. In accordance with Charter Sections 556 and 558, the proposed CDO boundaries are in substantial conformance with the purposes, intent and provisions of the City's General Plan, and all applicable provisions of the Los Angeles Municipal Code (LAMC).

The proposed Design Guide (CDO) and Zone Change boundaries are established in accordance with the provisions of Section 12.32 S of the Los Angeles Municipal Code (LAMC), and are consistent with the purpose of a CDO as set forth in Section 13.08 A of the Municipal Code. The establishment of the Design Guide within these boundaries will enhance the physical and aesthetic environment and help implement goals to establish a theater and entertainment district on Broadway.

Section 12.32 S of the Municipal Code requires an initiation on the part of the City Council, City Planning Commission or Director of Planning to initiate a COO District. The establishment of an entertainment district and a plan to facilitate such development on Broadway is an identified implementation program of the adopted Central City Community Plan. The proposed Broadway Design Guide is undertaken as a follow-up implementation program of the community plan which was adopted by council on January 8, 2003.

The establishment of the Broadway Design Guide boundaries is consistent with the purposes and intent of the Central City Community Plan in the following ways:

Policy 2-2.2 To encourage pedestrian-oriented and visitor serving uses during the evening hours especially along the Grand Avenue cultural corridor between the Hollywood Freeway (US 101) and Fifth Street, the Figueroa Street corridor between the Santa Monica Freeway (I-10) and Fifth Street and Broadway between Third Street and Ninth Street.

Program: Develop a plan and otherwise facilitate the development of night-time entertainment uses, such as night clubs, bars, comedy clubs, dance clubs, restaurants and theaters in the vacant portions of the historic buildings on Broadway and in the Broadway National Register Historic District which will rehabilitate the structures, revitalize the district and foster a 24-hour downtown.

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.

Program: Develop a plan and otherwise facilitate the development of the Broadway Theater Entertainment District which would include both the Broadway National Register Historic District and areas of Broadway to the north and south of the district.

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

Program: Prepare a plan to develop Broadway as a night-time entertainment destination.

Objective 10-1 To ensure that the arts, culture, and architecturally significant buildings

remain central to the further development of downtown and that it remains clearly discernable and accessible to all citizens in and visitors to Los Angeles.

Policy 10-1.2 Promote the development of a "Cultural Corridor" along Grand Avenue and the First Street/Broadway "Arts T" as well as other complimentary visitor serving uses.

Policy 10-1.3 Promote the development of the night-time entertainment uses in the historic Broadway theater district.

Objective 10-2 To maintain and reuse one of the largest and most distinguished sets of under used historic buildings in the United States.

Policy 10-2.5 Encourage the transformation of Broadway Downtown to include the adaptive reuse of historic buildings for arts, cultural, entertainment, restaurant and retail uses as well as infrastructure improvements such as sidewalk rebuilding and streetscape and landscape improvements in conjunction with major public transit expenditures.

Program: Broadway Theater Entertainment District: Establish a non-profit Downtown Entertainment Foundation to restore, operate, and program a major Broadway theater. In addition to being an entertainment venue, the theater should serve as the flagship and center for a coalition of Downtown entertainment committee of theater owners, merchants, representatives of the entertainment industry, and others who should develop a strategy and marketing plan to coordinate entertainment programming for all the Broadway theaters. This coalition should coordinate and integrate its programming with other entertainment events and venues such as the Music Center and Hollywood Theaters to create a mutually supportive and active regional entertainment policy. The foundation should also devise and facilitate funding for the renovation of the important theaters in the Broadway Entertainment District.

Program: Support and reinforce ongoing public and private initiatives to preserve and attract active and viable uses to the historic Broadway Theater District and the surrounding Historic Core, from Third Street to Ninth Street, through ordinance, specific plan and/or other regulatory tools.

The proposed Design Guide and Zone Change implements the objectives and policies of the Central City Community Plan. It has long been identified as an implementation program of the community plan to develop a plan that will establish and help foster a theater entertainment district on Broadway. The accompanying zone change to impose [Q] Qualified Conditions will further implement the goals of Broadway Design Guide to reinforce an active, mixed use and pedestrian oriented district that supports the rehabilitation and reuse of the corridor's unique collection of historic buildings and theaters.

2. In accordance with Charter Section 558 (b) (2), the proposed Design Guide (CDO) boundaries will be in conformance with public necessity, convenience, general welfare and good zoning practice.

Los Angeles City Charter Section 558 and LAMC Section 12.32(C)(7) require that prior to adopting a land use ordinance, the City Council make findings that the ordinance conforms with public necessity, convenience, general welfare and good zoning practice. The proposed Broadway Entertainment and Theater District Design Guide and Zone Change conform to public necessity, convenience, general welfare and good zoning practice in the following respects: The Design Guide (CDO) and Zone Change area are proposed to help establish an entertainment district on Broadway that is anchored by its unique collection of historic theaters. The district is viewed as a Citywide resource which has the potential to become a regional attraction that will draw visitors, serve residents and support the continued development of a

vibrant, 24-hour Downtown Los Angeles, consistent with General Plan policies. The guidelines will ensure that existing historic structures are rehabilitated appropriately; new construction is compatible with its surroundings; new projects will enhance and reinforce the existing pedestrian environment; and that the aesthetic and visual quality of corridor will be improved. By encouraging a mix of retail, services, office uses, entertainment uses and housing, the Design Guide can help to generate concentrations of pedestrian activity to support transit, foster an active and safe street environment and continue to link important Downtown Districts. The Broadway Design Guide is part of a larger public-private initiative to ensure the success of Broadway as a vibrant, mixed use area of Downtown with a night-time entertainment focus.

B. Community Design Guidelines and Standards

1. The proposed CDO design guidelines and standards are consistent with the policies of the adopted Community Plan

Los Angeles City Charter Section 556 and LAMC Section 12.32(C)(7) require that prior to adopting a land use ordinance, such as the proposed Broadway Design Guide (CDO) and Zone Change, the City Council make findings that the ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan. The proposed CDO and Zone Change are in substantial conformance with the purposes, intent and provisions of the General Plan in the following respects:

Central City Community Plan

Policy 2-2.2 To encourage pedestrian-oriented and visitor serving uses during the evening hours especially along the Grand Avenue cultural corridor between the Hollywood Freeway (US 101) and Fifth Street, the Figueroa Street corridor between the Santa Monica Freeway (I-10) and Fifth Street and Broadway between Third Street and Ninth Street.

Program: Develop a plan and otherwise facilitate the development of night-time entertainment uses, such as night clubs, bars, comedy clubs, dance clubs, restaurants and theaters in the vacant portions of the historic buildings on Broadway and in the Broadway National Register Historic District which will rehabilitate the structures, revitalize the district and foster a 24-hour downtown.

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.

Program: Develop a plan and otherwise facilitate the development of the Broadway Theater Entertainment District which would include both the Broadway National Register Historic District and areas of Broadway to the north and south of the district.

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

Program: Prepare a plan to develop Broadway as a night-time entertainment destination.

Objective 10-1 To ensure that the arts, culture, and architecturally significant buildings remain central to the further development of downtown and that it remains clearly discernable and accessible to all citizens in and visitors to Los Angeles.

Policy 10-1.2 Promote the development of a "Cultural Corridor" along Grand Avenue and the First Street/Broadway "Arts T" as well as other complimentary visitor serving uses.

Policy 10-1.3 Promote the development of the night-time entertainment uses in the historic Broadway theater district.

Objective 10-2 To maintain and reuse one of the largest and most distinguished sets of under used historic buildings in the United States.

Policy 10-2.5 Encourage the transformation of Broadway Downtown to include the adaptive reuse of historic buildings for arts, cultural, entertainment, restaurant and retail uses as well as infrastructure improvements such as sidewalk rebuilding and streetscape and landscape improvements in conjunction with major public transit expenditures.

Program: Broadway Theater Entertainment District: Establish a non-profit Downtown Entertainment Foundation to restore, operate, and program a major Broadway theater. In addition to being an entertainment venue, the theater should serve as the flagship and center for a coalition of Downtown entertainment committee of theater owners, merchants, representatives of the entertainment industry, and others who should develop a strategy and marketing plan to coordinate entertainment programming for all the Broadway theaters. This coalition should coordinate and integrate its programming with other entertainment events and venues such as the Music Center and Hollywood Theaters to create a mutually supportive and active regional entertainment policy. The foundation should also devise and facilitate funding for the renovation of the important theaters in the Broadway Entertainment District.

Program: Support and reinforce ongoing public and private initiatives to preserve and attract active and viable uses to the historic Broadway Theater District and the surrounding Historic Core, from Third Street to Ninth Street, through ordinance, specific plan and/or other regulatory tools.

The proposed Design Guide and Zone Change implements the objectives and policies of the Central City Community Plan. It has long been identified as an implementation program of the community plan to develop a plan that will establish and help foster a theater entertainment district on Broadway. The accompanying zone change to impose [Q] Qualified Conditions will further implement the goals of Broadway Design Guide to reinforce an active, mixed use and pedestrian oriented district that supports the rehabilitation and reuse of the corridor's unique collection of historic buildings and theaters. The district is viewed as a Citywide resource which has the potential to become a regional attraction that will draw visitors, serve residents and support the continued development of a vibrant, 24-hour Downtown Los Angeles, consistent with General Plan policies. The guidelines will ensure that existing historic structures are rehabilitated appropriately; new construction is compatible with its surroundings; new projects will enhance and reinforce the existing pedestrian environment; and that the aesthetic and visual quality of corridor will be improved. By encouraging a mix of retail, services, office uses, entertainment uses and housing, the Design Guide can help to generate concentrations of pedestrian activity to support transit, foster an active and safe street environment and continue to link important Downtown Districts. The Broadway Design Guide is part of a larger public-private initiative to ensure the success of Broadway as a vibrant, mixed use area of Downtown with a night-time entertainment focus.

2. The proposed CDO design guidelines and standards are in conformance with the provisions of Section 13.08 of the Los Angeles Municipal Code (LAMC)

The proposed CDO design guidelines and standards are consistent with the purposes of a Community Design Overlay District as stated in Section 13.08 of the LAMC, in that they promote a distinctive character, stability and visual quality in this important commercial corridor of Downtown Los Angeles and will assure that development in the area takes place in

accordance with community design policies of the adopted Central City Community Plan (and as it has recently been amended by the Downtown Design Guide). The Broadway Design Guide is consistent with the recently amended community design policies of the Central City Community Plan which aim to ensure a quality of design and a mix of uses appropriate for and befitting Downtown Los Angeles, the General Plan Framework designated "Downtown Center," which is considered an international center for finance and trade that serves the population of the five county metropolitan region. It is also the primary economic, governmental and social center of Los Angeles. It is the largest government center in the region, the location of the region's major cultural and entertainment facilities and its principal transportation hub. In order to support its role as the primary center of urban activity for the Los Angeles region, its development should reflect a high design standard and should host a variety of uses. In addition, Downtown development should result in the activation of Downtown streets and enhanced public safety that meets the needs of the Downtown visitors and its growing residential population. The Central City Community Plan has as one of its goals the rehabilitation of Broadway's historic theaters and the revitalization of the corridor as a night-time, entertainment district, with night clubs, bars and restaurants that contributes to an active, 24-hour downtown and establishes Broadway as a regional entertainment district centered around its rare collection of historic theaters. Broadway is a major artery in the Historic Core which forms the spine of Central City. The revitalization of Broadway is consistent with the goals of the General Plan Framework and the Central City Community Plan to expand and reinforce the distinct districts of downtown and to eventually link pockets of activity via vibrant, pedestrian friendly streets. This Design Guide aims to foster a Broadway that lives up to the vision in the General Plan Framework and to be consistent with the previously stated goals and objectives.

These design guidelines and standards will ensure that future occurs in conformance with these goals and regulate the rehabilitation of historic buildings, new construction, signage and landscaping to ensure a high quality urban environment. The guidelines and standards will require that all buildings be built to the property line; parking be located to the rear or underground, as feasible; ground floors maintain transparency and contain active uses; and new construction complement the scale and massing of the existing historic fabric of the district. A great emphasis of the guidelines is on the appropriate rehabilitation of historic buildings to retain character defining features and the highly articulated, pedestrian friendly design of existing buildings. Site planning guidelines address setbacks, storefront orientation, vehicular access, publicly accessible open space and parking structures and generally aim to reinforce the existing streetwall. Building design guidelines regulate massing, facades, wall openings, bulkheads and franchise architecture. Architectural detail guidelines include exterior surface materials and colors, storefront entrances and windows, awnings and canopies, rooflines, graffiti and freestanding walls and fences. Landscape guidelines include guidelines for surface parking lots, publicly accessible open spaces and accent landscaping. Sign guidelines limit sign clutter and encourage the preservation of historic signs and the installation of pedestrian signs. Lastly Mechanical, Security and Trash Equipment guidelines include mechanical equipment, security devices, trash enclosures and wireless telecommunication facilities.

Zone Change Findings

1. In accordance with Charter Sections 556 and 558 and Section 12.32 F of the Los Angeles Municipal Code , the proposed zone change ordinance and permanent (Q) conditions are in substantial conformance with the purposes, intent and provisions of the City's General Plan.

The proposed Zone Change ([Q] conditions) implements the objectives and policies of the Central City Community Plan. It has long been identified as an implementation program of the community plan to develop a plan that will establish and help foster a theater entertainment district on Broadway. The proposed zone change to impose [Q] Qualified Conditions will further

implement the goals of Broadway Design Guide to reinforce an active, mixed use and pedestrian-oriented district that supports the rehabilitation and reuse of the corridor's unique collection of historic buildings and theaters. The district is viewed as a Citywide resource which has the potential to become a regional attraction that will draw visitors, serve residents and support the continued development of a vibrant, 24-hour Downtown Los Angeles, consistent with General Plan policies. The [Q] Conditions will ensure an appropriate mix of uses, particularly those that will generate active ground floors; appropriate massing that reinforces the existing pattern of development; site planning, storefront orientation and ground floor treatment that is inviting to pedestrians; and signs regulations that limit the overall square footage of signs and encourage pedestrian signs.

2. In accordance with Charter Section 558 (b) (2) and Section 12.32 F of the Los Angeles Municipal Code, the proposed zone change ordinance and permanent [Q] Qualified Conditions are in conformance with public necessity, convenience, general welfare and good zoning practice.

While the design guidelines address a wider range of design issues, the [Q] Qualified Conditions codify essential elements. The [Q] Qualified Conditions impose the following types of restrictions:

Use Limitations, Ground Floor Treatment and Urban Design Standards. Ground floor uses are limited to those that will contribute to an active street. The intent is to foster an active, pedestrian environment with a mix of uses appropriate for a mixed-use, "Downtown Center," with an entertainment focus. Some uses permitted in the underlying zoning which do not generate street activity are permitted, but are limited to the upper stories. Likewise, design treatment of the ground floor is required to ensure a urban form that is inviting to pedestrians. These are typical conditions that require pedestrian entrances from public streets and pedestrian walkways and maximize ground floor transparency. Design standards also require corporate establishments and formula or retail businesses to fit into the historic context and conform to the design guidelines. These regulations are consistent with public necessity, convenience, general welfare and good zoning practice in that they promote a vibrant urban place that is increasingly walkable and less auto dependent. Broadway is envisioned to serve Downtown residents who will be able to walk to many of its retail, services and amenities, as well as visitors, who may come to Downtown by various transit modes, but who then will be able to enjoy the vibrant, pedestrian environment and entertainment uses.

Building Form and Massing. These regulations aim to preserve and reinforce the unique urban form of the Historic Core, of which Broadway is a part. They ensure that projects in the district maintain the continuity of the streetwall by requiring buildings and building additions to be built to the property line abutting a public street or the prevailing setback (whichever applies). Buildings are required to maintain a minimum height at the property line of 100 feet and a maximum height of 150 to conform to the existing development pattern, which is comprised of buildings that are typically 150 feet in height, particularly south of 4th Street. A building stepback of 30 feet for portions of buildings above 150 feet, applicable south of 4th Street, also aims to maintain the visual character of the area and retain the visual effect of the prevailing, historic 150 building height. This condition does not apply north of 4th Street where 2- to 4-story buildings are more typical. These conditions also involve the removal of an existing [Q] Condition which applies only to properties from the north side of 3rd Street to the 5th Street and limits heights of buildings to 150 feet. Given the lower, less consistent building heights on Broadway from 2nd Street to 4th Street, there is less of a need to protect the historic 150 foot building height. As such, the existing [Q] Condition is proposed to be removed and the 30-foot stepback will not apply to properties in this northern segment of the district.

These standards also regulate the lot coverage of towers (portions of buildings above 150 feet), limiting it to no less than 30% and no more than 40% of the lot. Unlike the tower guidelines found in the Downtown Design Guide which require 80-foot spacing between towers, the lot coverage approach to tower location allows any future infill towers to better fit into the existing tightly knit, urban context. This approach also responds to the smaller infill lots found in the Historic Core. While heights above 150 feet are permitted, these regulations intend for their massing to be diminished, particularly as viewed from Broadway and perpendicular streets. As such, the lot coverage approach will permit high-rise development, but not promote the tall, slender tower that is appropriate in other parts of Downtown, such as South Park, that have more variation in building heights and building modulation.

These building form and massing regulations are consistent with the public necessity, convenience, general welfare and good zoning practice in that they protect the character and unique development pattern of Historic Core, which is an important Citywide resource.

Parking. Parking regulations prohibit parking uses abutting any property line fronting a public street and require parking to be located to the rear of the building or underground. It also permits parking structures only if they contain ground floor retail uses at a minimum depth of 25 feet. These regulations reinforce the intent to foster a pedestrian environment through appropriate ground floor uses and design, consistent with public necessity, convenience, general welfare and good zoning practice and the stated goals of the governing Community Plan .

Signage. Signage regulations reduce sign clutter and prohibit signs that are inappropriate for the pedestrian oriented and urban context of the district. Canister signs, pole signs, monument signs, animated signs, temporary signs and inflatable signs are prohibited. Electronic message display signs, except for time and temperature signs and signs displaying parking information, are also prohibited. The standards also impose reductions on the total sign area permitted on a single building and encourages pedestrian (or projecting) signs to reinforce the pedestrian orientation of the district, consistent with public necessity, convenience, general welfare and good zoning practice and the stated goals of the governing Community Plan.

Mechanical Equipment. Standard regulations for setting back, screening and otherwise limiting the visibility from the street of rooftop mechanical equipment as well as elements such as skylights and solar panels are also required. Given that restaurants and food establishments are a desired use in the district, regulations also require the sensitive integration of required restaurant venting into historic and new buildings to minimize their visual impact. These regulations which enhance the visual quality of the district, improve the pedestrian experience and facilitate desirable, entertainment-related use are also consistent with public necessity, convenience, general welfare and good zoning practice and the stated goals of the governing Community Plan

Geographic Area Findings

The boundaries of the proposed Broadway Design Guide (CDO) area include those parcels fronting Broadway from 2nd Street to Olympic Boulevard. It encompasses an approximately one mile segment of Broadway located within the Central City Community Plan Area. The boundaries also encompass parcels that have buildings that are constructed on through-lots which extend to adjacent parallel streets both to the east and west of Broadway. These boundaries capture the concentration of historic theaters on Broadway and has been identified as the area where revitalization and preservation efforts can foster the reuse of these valuable Citywide resources and the establishment of a regional entertainment district.

CEQA Findings

A Mitigated Negative Declaration (ENV-2009-1487-ND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

PUBLIC HEARING AND COMMUNICATIONS

A Public Hearing was held for the proposed Broadway Design Guide (CDO) and accompanying Zone Change on June 10, 2009. It followed an Open House or public information session. Comments were accepted through June 17, 2009. The following is a summary of comments received at the June 10, 2009 Public Hearing:

Public Hearing

1. A public hearing on this matter was held at Los Angeles City Hall at 200 N. Spring Street, beginning at 7:00 p.m. and was preceded by an Open House.
2. Attendees: 11 people (signed in).
3. Speakers: Eight spoke in support of the proposed project.
4. A representative from Council District 14 was present and spoke in support of the project.
5. Several of the speakers were representatives from the Downtown Los Angeles Neighborhood Council who spoke in support of the project.

Communications Received

No written communication was received during the public hearing or the one-week comment period. However, a number of comments (27 comment sheets and notes on interactive workshop materials) were received at a public workshop which was held on May 25, 2009 and attended by at least 120 people (sign-ins). The comments were positive and particularly supportive of guidelines that aimed to regulate signs, preserve historic buildings and storefronts and improve the pedestrian orientation of the corridor.

Summary of Public Hearing and Communications Received

- The Neighborhood Council has been a strong supporter of the Broadway CDO and believes that the CDO furthers greatly the Broadway initiative.
- This investment on the part of the City in these economic times is very important.
- The implementation of this plan and other zoning and planning tools through the Central City Community Plan are necessary to advance the goals of the Broadway initiative.
- Continued investment by the City in the Broadway initiative and in the infrastructure on Broadway, as well private investment in the corridor, is encouraged.
- These efforts should return Broadway to its former glory.
- The design and development standards in the CDO are imperative to invite additional investment in the corridor.
- Broadway is a unique district that requires special care.

- More investment in the area also is necessary to preserve its great inventory of the historic buildings, which are a valuable part of the City's history.
- The CDO consists of rationale guidelines that employ best planning practices.
- This is the first time that the City government has been serious about the revitalization of Broadway.
- The CDO, as developed, can serve as a blueprint to retain the physical integrity of the street and allow it adapt to future uses.
- This process has truly been a private-public partnership that brings new life and vibrancy to the street that is greatly needed
- The document encourages safety, improved design and all of things that are desirable for the future of Broadway
- A business owner located in the historic area with the hopes that more would be done to attract pedestrians to the area, noting that the pedestrian traffic is critical to the survival of the corridor's businesses. The business also located in the area to help eliminate blight.
- The southeast corner of 4th Street and Broadway is blighted
- The historic character of the area should be preserved and the corridor should be revitalized.
- Support was expressed for the CDO process.
- A number of the speakers noted that they participated in the working group that drafted the CDO. It was noted that the working group was made up of people with various perspectives and the group was able to reach consensus on the guidelines.