



CENTRAL AREA PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: APRIL 9, 2024

Case No. APCC-2023-3070-SPE

Council District: 14 – de León

CEQA: ENV-2023-3071-CE

Plan Area: Central City

Project Site: 1111 South Broadway
(1101, 1133, and 1139 South Broadway; 146 West 11th Street)

Applicant: Michael Fischer, Broadway Eleventh Owners, LLC
Representative: Hans C. Krake, Gensler

At its meeting on **February 27, 2024**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction of three new illuminated neon Wall Signs measuring four feet tall by nine feet five inches wide, with an area of 37.67 square feet each. The signs will contain on-site advertising reading "ASU" and will be located on the existing historic Herald Examiner building. Two signs will have a maximum height of 71 feet from Grade, while the third sign will have a maximum height of 68 feet from Grade. The respective wall signs will face Broadway, 11th Street, and an alley.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301, Class 1, and Section 15311, Class 11, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 11.5.7 F of the Los Angeles Municipal Code, a Specific Plan Exception (SPE) from the Historic Broadway Sign Supplemental Use District (Sign District) to allow two illuminated Wall Signs with a maximum height of 71 feet from grade and one illuminated Wall Sign with a maximum height of 68 feet from grade, in lieu of the maximum height from grade of 20 feet as otherwise allowed by Section 9.17 of the Sign District;
3. **Adopted** the attached Conditions of Approval; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Stromberg
Second: Lawrence
Ayes: Geaga
Absent: Kang, DelGado

Vote: 3 – 0


Cecilia Lamas, Commission Executive Assistant II
Central Los Angeles Area 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 Central Los Angeles Area Planning Commission is appealable to City Council within 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, CA 90012; or 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

FINAL APPEAL DATE: APRIL 24, 2024

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: Conditions of Approval, Appeal Filing Procedures

cc: Jane Choi, Principal City Planner
Vanessa Soto, Senior City Planner
Chi Dang, City Planner
Kyle Hickey, Planning Assistant

CONDITIONS OF APPROVAL

Pursuant to Los Angeles Municipal Code Section 11.5.7 F of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the subject property:

Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provision of the Municipal Code, the project conditions, or the project permit authorization.
2. **Wall Signs.** There shall be a maximum of three (3) Wall Signs in substantial conformance "Exhibit A".
 - a. **Location, Size, and Height.** All signs shall be 4 feet tall and 9 feet and 5 inches wide. The Wall Signs facing Broadway (East Elevation) and 11th Street (North Elevation) shall not exceed a maximum height of 71 feet from grade. The Wall Sign facing the alley (West Elevation) shall not exceed a maximum height of 68 feet from grade. All signs shall be located on the tower of the building.
 - b. **Character Defining Historic Features.** None of the signs shall cover any character defining features of the historic building.
 - c. **Windows.** None of the signs shall cover any portion of any window.
 - d. **Materials.** The Wall Signs' Open Pan Channel Letters shall be fabricated from aluminum, with all faces painted to match Oil Rubbed Bronze. The "ASU" letterforms shall be White Neon.
3. **Illumination Standards.** The Wall Signs shall comply with the following illumination standards:
 - a. All illuminated signs shall have a nighttime brightness no greater than 300 candelas per square meter and a daytime brightness no greater than 5,000 candelas.
 - b. The brightness of any sign that includes neon elements shall be fully dimmable and controlled by a timer which shall be maintained in good working order. Light emitting diodes shall not be used in lieu of neon elements.
 - c. No sign shall use highly reflective materials such as mirrored glass.
 - d. All signs shall have a maximum total lumen output of no more than 20 lumens per square foot.
4. **Additional Signage.** The approval of this application does not constitute approval of any additional signage. The applicant shall submit a detailed signage plan to the Department of

City Planning, Central Project Planning Division, for approval pursuant to Section 7 of the Historic Broadway Sign Supplemental Use District prior to the issuance of permits for any additional signs for the project. No additional signs including, but not limited to, temporary banners or exterior merchandise displays shall be permitted on the street facing facades of the subject property without subsequent approval. Pursuant to this action, final plans shall not show signage, other than the three (3) proposed Wall Signs, and the building shall have no outstanding code violations related to signage.

Administrative Conditions of Approval

5. **Final Plans.** Prior to the issuance of any building permits for the Project by the Department of Building and Safety, the Applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning, Central Project Planning Division. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the Applicant, shall be retained in the subject case file.
6. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
7. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
8. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
9. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the Project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
10. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
11. **Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard covenant and agreement for 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 for approval before being recorded. After recordation, a

certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.

12. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
13. **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

Exception Findings

1. **Strict compliance would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning restrictions, due to unique physical circumstances or conditions of design.**

The Project involves the installation of three illuminated Wall Signs, displaying building identification on the existing historic Herald Examiner Building. As proposed, the Wall Signs would each measure 4 feet tall by 9 feet and 5 inches wide. Two of the signs will have a maximum height from grade of 71 feet, while the third will have a maximum height from grade of 68 feet. The respective signs will face Broadway, 11th Street, and an alley, as seen in *Figure 2* below.

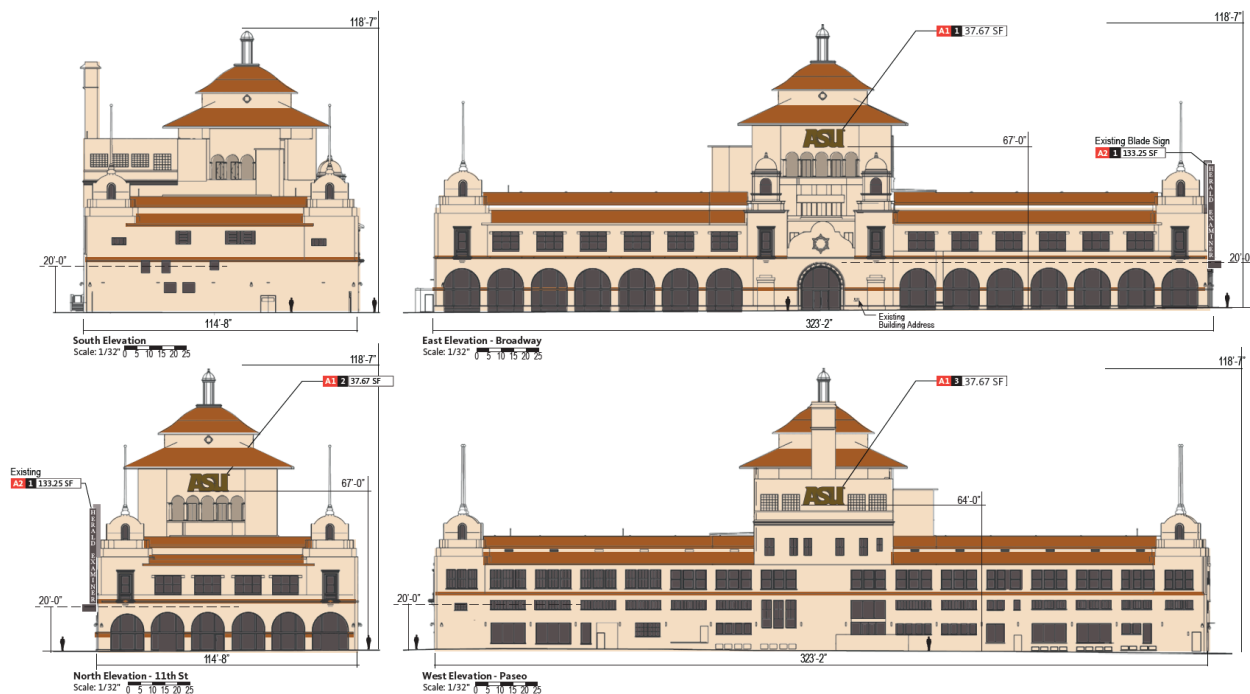


Figure 2: Proposed Signage Placement

The Applicant is seeking a Specific Plan Exception to allow the three Wall Signs to exceed the maximum height from grade of 20 feet as defined in Section 9.17 C of the Sign District. The Herald Examiner Building’s unique Mission Revival style architectural features and design elements create a practical difficulty in finding a suitable location for Wall Signs that does not interfere with key architectural elements of the historic resource. Specifically, the presence of arches and windows along the façades precludes signage in most areas less than 20 feet above grade. The Herald Examiner Building is a designated historic resource that is over a century old, and the current occupants must work within the constraints of the existing building and historic preservation guidelines. In the correspondence dated June 9, 2023 (Exhibit D), the Office of Historic Resources stated that the project’s design is in conformance with the Secretary of the Interior’s Standards per the Cultural Heritage Ordinance.

The Wall Signs are all proposed for the “tower” portion of the building. The proposed locations are those that previously hosted the historic “Examiner” signs that existed on the building. Although the proposed locations of these signs exceed the height limits set forth by the Sign District, they are the most appropriate location given the historic placement of signage on the building, as seen in *Figure 3* below. The Department of City Planning’s Office of Historic Resources has determined the proposed Project to be appropriate with the historic character of the building.



Figure 3: Historic Signage Placement

Section 2.B of the Sign District states the purposes of the Sign District include allowing signage that will “contribute to the historic nature of the Broadway district” through signage that “complements and protects the character-defining features of the historic buildings,” “reflects the historic character of the District’s signage,” and “coordinates with the architectural elements of the buildings on which signage is located and enhances the overall characteristics of the District.” The location of new signage at the historic location of the “Examiner” signage, while not allowed under the provisions of the Sign District, is appropriate to meet these goals and bolster the historic character of Broadway. The use of neon lighting elements further contributes to the historic character of the district.

As such, the unique design of the Herald Examiner Building makes it so that strict compliance would result in a practical difficulty inconsistent with the purposes of the zoning regulations to preserve and bolster the historic character of the district.

2. **Strict compliance would deprive the applicant of privileges enjoyed by owners of similarly zoned property; and an exception would not constitute a grant of special privilege.**

Wall Signs are a common type of signage employed by commercial, restaurant, and retail spaces throughout the Sign District. Most of the facades with wall signs are on buildings that contain a ground floor retail or restaurant space with commercial or residential uses occupying higher floors. The form of these buildings typically incorporates a space directly above the ground floor space for signage. These conditions allow for the owners of these buildings to adequately incorporate on-site advertising and building identification.

The Herald Examiner building is a unique standalone building whose design sets it apart from other sites in the Sign District. This historic building was designed with arches on the Broadway and 11th Street facades, which preclude the addition of Wall Signs beneath the 20 feet threshold. The arches are distinct architectural elements not common in buildings seen in the Sign District. In addition, the placement of the signage in the proposed locations mimics the historic location of building identification signs for this building.

Granting of the Specific Plan Exception is necessary to allow the owners of the Herald Examiner building to enjoy the same privileges as other building owners to account for the unique architectural conditions of the Site. Denial of this Exception would deprive the applicant of the ability to utilize on-site advertising and building identification as enjoyed by a multitude of other properties throughout the Sign District.

As such, approval of this Specific Plan Exception would not constitute a grant of special privilege and would allow the owners of the Site to enjoy the same privileges enjoyed by owners of similarly zoned property.

CEQA Findings

The City of Los Angeles has determined that based on the whole of the administrative record, substantial evidence supports that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1, and Section 15311, Class 11, and none of the exceptions to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The project proposes no expansion to the building or tenant space and only includes the addition of signage. The proposed project will not result in significant cumulative impacts from successive projects of the same type in the same place. The project does not involve unusual circumstances that could result in a significant effect on the environment. The proposed project will not damage scenic resources in a state scenic highway. The project site is not compiled on a list pursuant to Government Code Section 65962.5 related to hazardous waste sites. The project will not cause a substantial adverse change in the significance of a historical resource. The project was found to be exempt based on the following:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to: on-premise signs.

No substantial adverse change in the significance of the historic resource will be caused by this project, as determined by the Department of City Planning's Office of Historic Resources in their correspondence dated June 9, 2023 (Exhibit D).



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC

(213) 482-7077

201 N. Figueroa Street

Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050

6262 Van Nuys Boulevard

Van Nuys, CA 91401

West Los Angeles DSC

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing