



CENTRAL AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.Planning.lacity.org

Determination Mailing Date: APR 15 2014

CASE NO.: DIR-2013-3749-SPR-1A
CEQA: ENV-2006-8018-MND-REC3

Location: 900 and 909 West Temple Street
Council District: 14 - Huizar
Plan: Central City
Zone: C4 - 2D

APPLICANT/APPELLANT: Greg Smith, Vice President of Development, GH Palmer Associates

At its meeting on **April 8, 2014**, the following action was taken by the Central Area Planning Commission:

1. Denied the appeal.
2. Sustained the Determination of the Director of Planning in denying a Site Plan Review for the addition of a pedestrian bridge across Temple Street connecting two previously approved mixed-use residential buildings.
3. Did Not Find the Third Addendum of the previously issued MND (Case No. ENV-2006-8018-MND-REC3) as adequate environmental clearance.

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

This action was taken by the following vote:

Moved: Commissioner Millman
Seconded: Commissioner Martorell
Ayes: Commissioners Millman, Martorell, and Acevedo
Noes: Commissioner Brown
Absent: Commissioner Kim

Vote: 3 - 1

Effective Date

Effective upon the mailing of this notice

Appeal Status

Not further appealable to City Council


Rhonda Ketay, Commission Executive Assistant I
Central Area Planning Commission

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: Findings

cc: Blake Lamb, City Planner

FINDINGS

The subject property consists of two contiguous development sites, one which encompasses the entire block bounded by Figueroa Street on the east, Temple Street on the South, the 110 Harbor Freeway on the west, and the 101 Hollywood Freeway on the north. The other site is located directly to the south, across Temple Street, occupying the entire block bounded by Fremont Avenue on the east, Mignonette Street on the south, the 110 Harbor Freeway on the west, and Temple Street on the north. The two sites are separated by Temple Street. The sites currently consist of two buildings under construction, Building "A" and "B", which were approved on October 23, 2012 per Planning Case No. DIR-2012-61-SPR. This case permitted the construction of two buildings for a total of 526 residential units and 10,230 square feet of commercial uses.

At the time that DIR-2012-61-SPR was approved, the project did not include a pedestrian bridge linking the two buildings over Temple Street, and thus it was not included on Exhibit A. However, the applicant has made changes to the original design and now proposes to include a pedestrian bridge over Temple Street to connect Building "A" with Building "B". Therefore, they have filed the subject Site Plan Review Case, DIR-2013-3749-SPR to request approval to modify the previously approved plans with a new, enclosed pedestrian bridge. The pedestrian bridge would connect the second level of Building "A" with the third level of Building "B" and would be approximately 24'-26' above sidewalk grade with a width of approximately 9'4". The purpose of the bridge is to provide convenience for residents of the buildings by connecting the two private developments together above the public streets and sidewalks.

- 1. The project is not in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The subject property is located within the adopted Central City Community Plan area, in the Civic Center district in Downtown Los Angeles. The site is designated as Regional Center Commercial land use with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The property is designated in Height District 2D, the "D" Limitation imposed by Ordinance No. 164,307 which restricts the floor area ratio to three (3) times the lot area. As approved by DIR-2012-61-SPR, the buildings under construction comply with all applicable plans and regulations. However, the proposed pedestrian bridge is not in substantial conformance with applicable plans and regulations.

Land Use Element – Central City Community Plan

The Central City Community Plan was updated and adopted by the Los Angeles City Council on January 8, 2003. The subject project, a pedestrian bridge across Temple Street, does not advance, but rather is contrary with, a number of specific goals and objectives contained in the Central City Community Plan. These include:

- *The project site is located within the Civic Center District of Downtown Los Angeles. One of three fundamental concepts contained in the Civic Center District includes Pedestrian Orientation:*

"Pedestrian Orientation - The civic center should be a pedestrian- oriented district used by visitors, workers and residents. Enhancement within the public realm must

be made including an open space network which links elements within the Civic Center as well as connecting the Civic Center to surrounding districts."

- *Pedestrian Circulation Policy 11-6.1: Preserve and enhance Central City's primary pedestrian-oriented streets and sidewalks and create a framework for the provision of additional pedestrian friendly streets and sidewalks which complement the unique qualities and character of the communities in Central City.*

These policies in the Central City Community Plan advance the concept that the sidewalks should remain the principal place of pedestrian movement and casual social interaction in Downtown Los Angeles. In particular, the Civic Center District is intended to be pedestrian oriented, to include amenities such as restaurants and retail options for the area's many employees, government and otherwise. This section of Temple Street currently contains areas of neglected and underutilized sidewalks, without much pedestrian activity, amenities, retail choices, or residences. However, as part of the construction of the two mixed-use buildings, a new traffic signal will be installed at the intersection of Fremont Avenue and Temple Street. This traffic signal will not only enhance vehicular circulation, but it will also enable pedestrians to safely cross the street at a new location, providing more choices for pedestrian circulation. The traffic signal and crosswalk will be located approximately 80 feet from the proposed pedestrian bridge.

This segment of Temple Street has the potential to be an amenity for the surrounding area such as the Los Angeles County Health Services building, Figueroa Plaza, the Downtown Magnet High School, and many other area employees. The two new buildings under construction will bring improvements to the sidewalks and public right of way and will signalize a new intersection thus enhancing pedestrian circulation. Additionally the development currently under construction on the project site will introduce new residents and pedestrians into the immediate vicinity as the two buildings will contain approximately 526 residential units and 10,230 square feet of commercial floor area.

The purpose of the proposed pedestrian bridge is to provide convenience for residents of the buildings by connecting the two private developments together above a public street. The proposed bridge will allow residents of the project the choice of whether or not to use the publicly shared sidewalks. This can result in a lack of activity at street level as well as reduced shared economic opportunity for the neighborhood. The goal for this segment of Temple Street is to increase retail options for residents and nearby workers. By diverting people away from the street, Temple Street will be hampered in its goal of becoming an amenity for area workers and residents. The immediately surrounding area will continue to function as a place to pass through, rather than a place which is defined by walkability, social interaction, pedestrian amenities and retail choices. The proposed pedestrian bridge will not advance the above mentioned goals and objectives contained in the Central City Community Plan.

- *Police Protection Policy 5.2.1 indicates: Promote the safety and security of personal property through proper design and effective use of the built environment which can lead to a reduction in the incidence and fear of crime, reduction in calls for police service, and to an increase in the quality of life.*

This section of Temple Street currently contains areas of neglected and underutilized sidewalks, without much pedestrian activity, amenities, retail choices, or residences. The proposed pedestrian bridge would be located approximately 85 feet from the existing overpass for the 110 Harbor Freeway, which is approximately 285 feet in length. With such a long length, the sidewalk under the overpass lacks adequate natural light, is a "dead zone" for pedestrian activity and therefore feels unsafe to many pedestrians. The mixed-use project already entitled and currently under construction has the potential to introduce new residents and pedestrians into the immediate vicinity as the two buildings will contain approximately 526 residential units and 10,230 square feet of commercial floor area.

The City of Los Angeles has published a "Design Out Crime" handbook through the City's Crime Prevention Through Environmental Design Task Force. This handbook provides guidelines on ways to incorporate design features into buildings that will make them more secure and to deter crime. High levels of pedestrian activity generally reduce street crime by providing more natural surveillance and "eyes on the street" and could positively improve this segment of Temple Street. Placing "safe" activity (pedestrian sidewalk activity) near "unsafe" activity (the dead zone under the Freeway overpass) creates natural surveillance and can increase the perception of safety. However, one of the negative side effects of bridges is the undermining of safety at street level by removing people from the street, thus increasing opportunities for crime. The proposed pedestrian bridge will not help to activate sidewalks in an area that is in need of additional "eyes on the street" but instead will cause to remove much needed pedestrian activity from the area.

Downtown Design Guide

The Downtown Design Guide was adopted by City Council on April 24, 2009 as a General Plan Amendment to the Central City Community Plan to revise Chapter V of the Central City Community Plan text to incorporate the Downtown Design Guide, Urban Design Standards and Guidelines. The Downtown Design Guide contains standards and guidelines for sustainable design, sidewalks and setbacks, ground floor treatment, parking and access, massing and street wall, on-site open space, architectural detail, streetscape improvements and signage prepared at a finer grain specifically for the Downtown Neighborhood Districts. As proposed, the pedestrian bridge across Temple Street is contrary to a number of specific guidelines contained in the Downtown Design Guide:

- *Incorporate a pedestrian-oriented scale at the street level.*

Street wall massing, articulation and detail, street level building entrances and storefront windows and doors, as well as the use of quality materials and decorative details, shall be used to promote pedestrian-scaled architecture along the street.

Architectural features that reinforce the retail character of the ground street wall and/or help define the pedestrian environment along the sidewalk, such as canopies, awnings, and overhangs, are encouraged and should be integral to the architecture of the building.

The project currently under construction will be designed to have pedestrian-scaled architecture at the ground floor. The project will include a publicly accessible plaza at the corner of Temple Street and Figueroa Street, will be lined with ground floor retail uses, and will make improvements to existing sidewalks and the public right-of-

way. The mixed-use project already entitled and currently under construction has the potential to introduce new residents and pedestrians into the immediate vicinity as the two buildings will contain approximately 526 residential units and 10,230 square feet of commercial floor area. The proposed pedestrian bridge will not advance the goals of the Downtown Design Guide; it will not contribute to the pedestrian-scaled design of the two approved buildings and will hamper the development's pedestrian orientation. These two buildings, without a pedestrian bridge connecting them, would reinforce the City's aim to encourage activity at street level, to create a walking city that promotes both street-level retail activity and well-designed building facades that present a welcoming face to the public.

2. **The project does not consist 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.**

The proposed pedestrian bridge is not compatible with adjacent properties nor does it meet the Downtown Design Guide requirements. This section of Temple Street currently contains areas of neglected and underutilized sidewalks, without much pedestrian activity, amenities, retail choices, or residences. The proposed pedestrian bridge would also be located approximately 85 feet from the existing overpass for the 110 Harbor Freeway, which is approximately 285 feet in length. With such a long length, the sidewalk under the overpass lacks adequate natural light, is a "dead zone" for pedestrian activity and therefore feels unsafe to many pedestrians. Adding an additional bridge in this vicinity would only add to the "tunnel like" feeling that exists along the sidewalk. Adding a new pedestrian bridge to an area that is already negatively hampered by an existing highway overpass bridge is not compatible.

The City's goal is to encourage activity at street level, to create a walking city that promotes both street-level retail activity and well- designed building facades that present a welcoming face to the public. As previously stated, the proposed pedestrian bridge will not advance the goals of the Downtown Design Guide; it will not contribute to the pedestrian-scaled design of the two approved buildings and will hamper the development's pedestrian orientation.

3. **The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The proposed pedestrian bridge will not serve as a recreational amenity for the residents of the two mixed-use projects; therefore this finding is not applicable.

ENVIRONMENTAL FINDING

4. A denial of this project means no environmental document can be adopted as part of this action.

A Mitigated Negative Declaration Addendum, ENV-2006-8018-MND-REC3, was prepared for the previous project approved on October 23, 2012 per Planning Case No. DIR-2012-61-SPR.

Prior to the approval of DIR-2012-61-SPR, a slightly different project was approved by the Director on March 14, 2011 as Planning Case No. DIR-2009-1508-SPR. For the approval of that case, ENV-2006-8018-MND-REC1 was adopted. However, after the case was issued, the developer acquired an additional parcel of land to be included in the project. Planning Case No. DIR-2012-61-SPR included the addition of a parcel of land comprising 5,754 square feet; the number of residential units and amount of commercial floor area remained the same or less as that approved in DIR-2009-1508-SPR. Planning Case No. DIR-2012-61-SPR was issued on October 23, 2012.

Those changes per DIR-2012-61-SPR were analyzed under Public Resources Code section 21166, and CEQA Guidelines section 15162, and the City determined an addendum was appropriate under Guidelines section 15164. The addendum was issued as ENV-2006-8018-MND-REC2, however as a result of a typographical error, a third addendum was issued as ENV-2006-8018-MND-REC3, and was adopted as the environmental clearance for Planning Case No. DIR-2012-61-SPR issued on October 23, 2012.

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."