

MASTER APPEAL FORM

ORIGINAL

City of Los Angeles – Department of City Planning

APPEAL TO THE: City Council
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: CPC-2013-4134-TDR-MCUP-ZV-SPR

PROJECT ADDRESS: 820, 826 S. Olive Street, 817, 819, 825 S. Hill Street

FINAL DATE TO APPEAL: November 3, 2014

- TYPE OF APPEAL:**
1. Appeal by Applicant
 2. Appeal by a person, other than the applicant, claiming to be aggrieved
 3. Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: CREED LA

- Are you filing for yourself or on behalf of another party, organization or company?
 Self Other: _____

Address: 501 Shatto Place, Suite 200

Los Angeles, CA Zip: 90020

Telephone: (877) 810-7473 E-mail: jeff@creedla.com

- Are you filing to support the original applicant's position?
 Yes No

REPRESENTATIVE INFORMATION

Name: Ellen Trescott, Adams Broadwell Joseph & Cardozo

Address: 520 Capitol Mall, Suite 350

Sacramento, CA Zip: 95814

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This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

Entire

Part

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/REQUIREMENTS

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
 - Master Appeal Form
 - Justification/Reason for Appealing document
 - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."
--CA Public Resources Code § 21151 (c)*

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 11/3/2014

Planning Staff Use Only

Amount \$ 106.80	Reviewed and Accepted by MNGUMEN	Date 11/3/14
Receipt No. 20211	Deemed Complete by	Date



Determination Authority Notified



Original Receipt and BTC Receipt (if original applicant)

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November 3, 2014

Los Angeles City Council
c/o: Los Angeles Development Service Center
201 N. Figueroa Street, 4th Floor
Los Angeles, CA 90012

Re: Reasons for Appeal, and Request for Appeal Hearing Concurrent with
TFAR Hearing (CPC-2013-4134-TDR-MCUP-ZV-SPR)

Dear City Council Members:

The Coalition for Responsible Equitable Economic Development (“CREED LA”) appeals the City Planning Commission’s October 9, 2014 approval of variances and other concessions for a 50-story high-rise development between South Olive and South Hill Streets, and West 8th and West 9th Streets, in downtown Los Angeles (“Project”), proposed by Onni Real Estate. CREED LA also contends that the Planning Commission acted based on inaccurate and misleading information regarding the scope of the City’s discretion under the Transfer of Floor Area Rights (“TFAR”) Ordinance. Because there is significant overlap between the issues raised in this appeal and in the Planning Commission’s recommendation to adopt the requested Transfer of Floor Area Rights for the Project, CREED LA requests that the City Council hear both items together at the same hearing.

As explained more fully below, the Planning Commission abused its discretion in granting variances for the Project and allowing other deviations from the City Code and the Downtown Design Guide. As stated in the Municipal Code, a variance is a “special privilege.”¹ The Applicant has chosen to design a high-rise Project that will utilize a large proportion of the City’s Convention Center floor area rights. An Applicant’s project design decisions are not alone an adequate reason to grant special privileges regarding compliance with the City’s development

¹ Los Angeles Municipal Code (“LAMC”) § 12.27.D.

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standards. In fact, the TFAR Ordinance expressly states that projects utilizing the City's TFAR option must comply with all such standards. The Applicant here will not suffer unnecessary hardships if the requested variances are denied. There are no special circumstances on the Project site that warrant the variances, and the variances are not required for the preservation and enjoyment of a substantial property right.

CREED LA also opposes the Transfer Plan that the Planning Commission recommended for City Council approval under the TFAR Ordinance. CREED LA urges the City Council to reject the Applicant's request to purchase the City's limited TFAR rights for a project that will deviate from City development standards, given the Applicant's failure to consider providing direct public benefits by committing to local hire and prevailing wages, as encouraged by the Planning Commission and authorized by the TFAR Ordinance. It is within the City Council's discretion to authorize these direct benefits, in lieu of a portion of the Applicant's proffered "public benefits" payment. CREED LA urges City staff and leaders to consult in earnest with the Applicant regarding these issues, in the hopes of expeditiously resolving this appeal.

I. INTEREST OF APPELLANT

CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the City's determinations regarding the Project, and the City's decision to sell valuable floor area rights to the Applicant. CREED LA's mission is to ensure that proposed development projects in the City of Los Angeles foster sustainable communities by minimizing environmental impacts and ensuring community benefits, including the advancement of a safe and skilled construction workforce through job training and career path construction industry jobs that maintain area wage standards and working conditions.

CREED LA's members include the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and their members and their families who live and work in the City of Los Angeles. Individual members of CREED LA and its member organizations include Thomas Brown, Shomari Davis, Luther Medina, and John Ferruccio, who live, work, recreate and raise their families in Los Angeles. Accordingly, they would be directly affected by the Project's failure to meet the

development standards established by the City, and by the City's unwillingness to consult with the Applicant regarding the provision of public benefits for workers. CREED LA has an interest in enforcing City planning standards that encourage sustainable development and a high quality of life for City residents. CREED LA also has an interest in opposing the sale of the City's limited floor area rights to developers who fail to provide public benefits consistent with the TFAR Ordinance by committing to local hire and the payment of prevailing wages.

II. REASONS FOR APPEAL

A. Failure to Include All Planning Commission Conditions of Approval

The City Planning Commission specifically approved a parking variance from the Project *on the condition that* the Applicant run conduit to 20% of the parking spaces for future electric vehicle charging stations, and the Applicant readily agreed to this at the Planning Commission hearing.² The Planning Commission's decision letter, however, does not include the charging station conduit condition. Accordingly, the decision letter is incomplete and fails to include all approval conditions imposed by the Planning Commission.

B. Failure to Require All Parking Spaces in Accordance with City Standards

The Los Angeles Municipal Code mandates that all parking spaces required by City parking standards "shall be provided" by a project.³ In this case, however, the Planning Commission's Condition of Approval number 10 states that the Project shall provide a *maximum* of 533 parking spaces.⁴ This condition is inconsistent with City standards and should be revised so that no less than 533 parking spaces must be provided by the Project.

² An audio recording of the Planning Commission hearing is available at: <http://cityplanning.lacity.org/>, by selecting "Meetings and Hearings" then "City Planning Commission" from the left-hand menu, then selecting the "Audios" icon for the October 9th meeting, and selecting the highlighted title links under Meeting Item No. 6. The Planning Commission's motion to require conduit for electric vehicle charging stations is at "Part 2" of the audio tape, at 23:25.

³ LAMC § 12.21.A(4)(p).

⁴ Planning Commission Determination Letter dated October 17, 2014, p. C-3.

C. Improper Variance Allowing 40% Compact Vehicle Parking

The Project will remove 142 existing affordable public parking spaces in downtown Los Angeles, and will provide the bare minimum number of parking spaces, using all available reductions under the City Code. Because the Project is in the Central City Area, it qualifies for an overall reduction in the required number of off-street parking spaces. The Project is required to provide only 1.25 spaces for units with more than 3 rooms, and 1 parking space for units with less than 3 rooms.⁵ The Applicant has opted to further reduce this amount by 9.2%, by providing increased bicycle parking.⁶ The Project will provide no guest parking, and no parking for the retail space located on the ground level.⁷ In total, the 50-story high-rise tower will provide 533 parking spaces, only 391 more than currently exist.⁸

Despite the fact that the Project's location allows the Applicant to provide this bare minimum number of parking spaces, the City Planning Commission approved a variance from Municipal Code section 12.21.A5(c). That section disallows the use of compact parking spaces for residential units, unless a standard space is provided for each unit. Compact parking spaces are 1 foot narrower in width and 3 feet shorter in length than standard spaces.⁹ In connection with the variance, the Planning Commission adopted a Condition of Approval allowing approximately 40% of the spaces (209 spaces) to be compact in size.

In order to approve the variance and related condition of approval, the Planning Commission needed to find that there would be "practical difficulties or unnecessary hardships" unless the variance was approved.¹⁰ The only argument

⁵ Los Angeles Municipal Code ("LAMC") §§ 12.21.A(4)(a), (p).

⁶ *Id.* § 12.21.A(4).

⁷ Not requiring any parking for the retail space is an odd interpretation of the parking standards for commercial buildings in the Downtown Business District. Under LAMC § 12.21.A(4)(i), commercial buildings with a gross floor area of 7,500 square feet or larger must provide 1 parking space for every 1,000 square feet of usable space. City Planning staff apparently interpreted the word "building" to mean only the retail space on the first floor of the building, which is less than 7,500 square feet. This is an incorrect interpretation of the parking standards, not only because the "building" is much larger than the retail space, but also because the "gross" floor area of the first floor of the building alone is much greater than 7,500 square feet.

⁸ Planning Commission Determination Letter dated October 17, 2014, p. F-9.

⁹ LAMC § 12.21 A.5(a).

¹⁰ *Id.* § 12.27 D.1.

put forward for why this factor was met is that the Applicant designed its 50-story tower so that it does not have enough space to provide adequate parking, and the Project is located near public transit.¹¹ These are not practical difficulties or unnecessary hardships that qualify for a variance.

The Municipal Code looks unfavorably on granting a variance “if the conditions creating the need for the variance were self-imposed.”¹² Designing a high-rise without adequate space for parking is a difficulty that is solely of the Applicant’s own making. It appears that the Applicant is perfectly capable of redesigning the Project to meet City standards. For example, the Project application materials and Mitigated Negative Declaration for the Project both indicated that the Project would include 589 residential units, whereas the Project that the Planning Commission approved only included 522 units.

The Project’s location near transit is also not enough to justify a variance. The Applicant has already received almost a 50% reduction in the number of required residential parking spaces, another 9.2% reduction by providing bicycle spaces, *and* an exemption from providing retail parking spaces, solely due to the Project’s location.¹³ The first factor for granting a variance is not met.

The Planning Commission was also required to find “special circumstances” on the Project site, such as lot size, topography, location, or surroundings, which are not present on other sites. There is no substantial evidence that the Project site has any such special circumstances. The only plausible argument for special circumstances is that the Project site is “relatively small and narrow.”¹⁴ Other nearby projects have constructed higher parking ratios, however, on smaller lots

¹¹ Planning Commission Determination Letter dated October 17, 2014, p. F-28.

¹² LAMC § 12.27 D.

¹³ LAMC §§ 12.21 A.4 (buildings near transit may reduce parking spaces by providing bicycle parking); 12.21 A.4(i) (exception for commercial parking in Downtown Business District); 12.21 A.4(p) (residential parking reduction in Central City Area).

¹⁴ Planning Commission Determination Letter dated October 17, 2014, pp. F-29 to F-30. The other stated reasons include that the Project will provide 533 parking spaces, that the Project is in a transit-oriented location and thus already qualifies for reduced parking requirements, and that the Project includes a “replacement of existing office parking” [it does not], none of which is a special circumstance related to the size, topography, location or surroundings of the Project site.

than the Project site, with fewer compact spaces.¹⁵ The Applicant has chosen to construct a very tall 50-story tower with inadequate space to meet the City's parking requirements, which is a self-imposed condition.

Finally, the Planning Commission was required to make a finding that a variance is needed for the "preservation and enjoyment of a substantial property right" possessed by other similar sites. This has not been shown. The Planning Commission's written determination notes that three other nearby projects have been granted variances allowing a certain percentage of residential units to have compact parking spaces instead of standard sized spaces. The City approved variances allowing 8% of the residential units to have compact parking in the Evo project, 56% of units to have compact parking in the Fashion Institute of Design (FIDM) student housing project, and 26% of units to have compact parking in the Glass Tower project.¹⁶

None of these prior variances show that others have been granted the same kind of special treatment requested by the Applicant. The Evo project was allowed only 8% compact spaces, which is significantly less than the 40% percent approved for this Project. Furthermore, the Evo project provided 1.37 parking spaces per unit, plus guest parking spaces, which is a significantly higher parking ratio than this Project will provide (1 space per unit plus no guest or retail parking).¹⁷

The Glass Tower project was allowed 26% compact spaces, which is also much less than the 40% approved for this Project. The Glass Tower project provided seven levels of parking (the same as this Project) for a much smaller tower (22 stories), and provided 1.57 parking spaces per unit, plus parking spaces for guests, which is much more parking than will be provided by this Project.¹⁸

The FIDM project provided a ratio of 1.5 parking spaces per unit, which is a 50% higher ratio than this Project will provide, plus parking for residential guests, and a significant amount of parking for non-residential use.¹⁹ The City authorized

¹⁵ See e.g. <http://pdis.lacity.org/pdf/viewPDF.aspx?Query=Type=PDIS:Doc=1CF16>, p. 6 (1.57 spaces per unit provided for a 22-story tower on a 23,600 square foot lot, plus guest parking, with 26% compact spaces. The Project site is 39,000 square feet.)

¹⁶ *Ibid.* p. F-31.

¹⁷ <http://pdis.lacity.org/pdf/viewPDF.aspx?Query=Type=PDIS:Doc=9EF3>, pp. 10, 12.

¹⁸ <http://pdis.lacity.org/pdf/viewPDF.aspx?Query=Type=PDIS:Doc=1CF16>, p. 6.

¹⁹ <http://pdis.lacity.org/pdf/viewPDF.aspx?Query=Type=PDIS:Doc=16F12>, p. 6.

56% of the residential units to use compact spaces, but this was because the site was irregularly shaped and was already proposing to provide 4.5 levels of subterranean parking.²⁰ The City found that requiring a full fifth level of subterranean parking would not have been economically feasible.²¹ The City later noted that the students living on the Project site would be located close to the FIDM campus, and explained that “there are special circumstances applicable to the subject property such as location and surroundings relative to the FIDM campus and its related uses that do not apply generally to other property in the same zone and vicinity.”²²

The Project Applicant would not be deprived of a substantial property right that is possessed by other similar sites if it were required to provide standard sized spaces as required by the Municipal Code. The Project proposes two levels of subterranean parking, which is much less than other similar projects, and it will provide a much lower parking ratio than any of the other projects that received a variance for compact spaces. The City should not approve such a high percentage of compact spaces for this Project, which would effectively grant a windfall to a developer that is already receiving significant benefits through the purchase of the City’s TFAR credits.

D. Improper Variance Allowing Dispersed Bicycle Parking

The City should not have granted a variance from the requirement that long-term bicycle parking inside a parking garage “shall be located along the shortest walking distance to the nearest pedestrian entrance of the building” and “shall be located on the level of the parking garage closest to the ground floor.”²³ The variance was requested because the Applicant’s Project design left “little space” for the required bicycle parking.²⁴

Instead of meeting the location and access standards of the City Code, which are intended to provide convenient access for bicyclists, the variance would allow bicycle parking spaces to be distributed throughout the seven-level parking garage, and accessible only by elevator.²⁵ The Planning Commission’s decision letter

²⁰ *Ibid.*, p. 13.

²¹ *Ibid.*

²² *Ibid.*, p. 15.

²³ LAMC § 12.21 A.16(e)(2)(iii).

²⁴ Planning Commission Determination Letter dated October 17, 2014, p. F-29.

²⁵ *Ibid.* pp. F-29, F-32.

provides examples of other pending and recently approved projects that sought variances to the bicycle parking requirements. The documents referenced in the decision letter are not available on the City's website. In any event, granting bicycle parking variances simply because an Applicant chooses not to provide easy bicycle parking access is contrary to the City's policies encouraging increased bicycle transit. Providing "convenient access from an elevator" for bicycles, as this Project proposes, does not meet the spirit and intent of the Municipal Code.²⁶

E. Improper Variance Allowing Reduction in On-Site Trees

The Applicant is required to provide 131 on-site trees, but is choosing to provide only 47 trees, with the rest planted off site.²⁷ One reason cited for the variance request is that the Project will not provide the required amount of open space, which reduces the available space for on-site trees.²⁸ The Planning Commission's decision document does not indicate that other high-rise projects have been granted similar special treatment. The Applicant has chosen to design its Project such that the required amount of open space, and accordingly the required number of on-site trees, are not met. This is a self-imposed condition. Ironically, the Planning Commission concluded that it would grant the parking variance discussed above, due to the relatively "small" size of the Project site, and would grant the tree variance due to the relatively "large" size of the Project site.²⁹ These conclusions are contradictory, and the findings to support this variance are unsupported.

F. Improper Determination Allowing Reduction in Open Space

The Director is allowed to grant a reduction in total usable open space of up to 10%, without a variance, "provided that any reduction is to the common open space portion only."³⁰ Generally, only 50 square feet of private open space per unit may be counted toward the total open space requirement, and the rest must be common open space.³¹

²⁶ *Ibid.* p. F-32.

²⁷ *Ibid.*, p. F-38.

²⁸ *Ibid.*

²⁹ *Ibid.*, p. F-39.

³⁰ LAMC § 12.21 G.3.

³¹ *Id.* § 12.21 G.2.

In this case, the 522-unit proposed Project is required to provide 59,325 square feet of total open space, and the 50-square-foot per unit limitation means that only 44% of this total open space can be private.³² The Project is therefore required to provide 56% of its total open space requirement as common open space (33,222 square feet). The Planning Commission, however, approved a Director's decision to allow only 28,736 square feet of common open space, which is a 14% reduction.³³ This exceeds the 10% limit for a Director's approval. In an effort to avoid a violation of the City Municipal Code, the City attempts to invoke an exception to the open space rules, a zoning incentive that allows the City to disregard the distinction between the common and private open space provided on a project site.³⁴

The City cannot invoke this zoning incentive in order to allow a reduction in common open space by 14%, because this exceeds the express 10% limitation on the Director's authority to reduce common open space without a variance. This is contrary to the intent of the City's open space policies. Variance findings should be required for this proposal.

III. TFAR RECOMMENDATION

A. The TFAR Proposal Gives a Windfall to the Applicant

In addition to the points raised below, CREED LA is currently reviewing other aspects of the City's compliance with the TFAR Ordinance. CREED LA reserves the right to raise additional points prior to the City Council's hearing on the TFAR Transfer Plan for the Project.

There are two aspects of the Planning Commission's approvals that result in unfair windfalls for the Applicant. First, Condition of Approval 8.a allows the Floor Area Ratio (FAR) of the proposed Project to be calculated for a "Transit Area Mixed Use Project," which gives the Applicant an unfair windfall.³⁵ A Transit Area Mixed Use Project is defined as a mixed-use project in the Central City area that is located

³² See Planning Commission Determination Letter dated October 17, 2014, p. F-42.

³³ *Ibid.*

³⁴ LAMC § 12.22 C.3(d).

³⁵ Planning Commission Determination Letter dated October 17, 2014, p. C-2.

near a rail transit station and “meets the standards and guidelines in the Downtown Design Guide.”³⁶ A project that qualifies as a Transit Area Mixed Use Project gains a benefit under the TFAR Ordinance because the Floor Area Ratio is calculated based on the “buildable area” instead of the “lot area.” The buildable area is larger than the lot area because it includes the land from the property line to the center line of surrounding public right of ways. As a result, a project utilizing “buildable area” is allowed to include more square footage.

The Project does not meet the standards in the Downtown Design Guide, and therefore it does not qualify as a Transit Area Mixed Use Project. The Downtown Design Guide requires that 75% of the Project street frontage along Olive and Hill Streets be retail frontage.³⁷ The Project’s retail frontage along Olive Street is only 56.5%, and along Hill Street is lower. The Planning Commission was concerned about this deviation from the Design Guide standards, and attempted to make a last-minute improvement in the amount of retail frontage, by approving Condition of Approval number 4.c, which requires a 50% decrease in the size of the residential lobby along Hill Street.³⁸ The Applicant could have chosen to increase the Project’s retail frontage, for instance by moving temporary bicycle parking to the sidewalk, and further decreasing the size of the Project lobby, but it did not.

Moreover, the Project does not meet the standard in the Downtown Design Guide requiring 80 feet between high-rise towers, for privacy, natural light, and air. The Planning Commission accepted the Applicant’s argument that future towers can still be built on nearby parcels, notwithstanding this violation. Not preventing the future construction of towers, however, does nothing to preserve the privacy, light, and air benefits that the tower spacing requirement was designed to address. The Project does not meet the standards in the Downtown Design Guide, and therefore the Project should not be considered a Transit Area Mixed Use Project.

Second, the Planning Commission’s decision to grant numerous variances and other deviations from City standards for this Project, solely because of the extra density allowed under the TFAR, has provided the Applicant with a windfall, which makes the price for the TFAR rights undervalued. The TFAR Ordinance requires that as a condition of approval of a TFAR transfer, a project “must comply with any

³⁶ LAMC § 14.5.3.

³⁷ <http://planning.lacity.org/urbanization/dwntwndesign/TableC.pdf>, pp. 14, 17.

³⁸ Planning Commission Determination Letter dated October 17, 2014, p. C-1.

applicable urban design standards and guidelines adopted for the area, including the Downtown Design Guide.”³⁹ As discussed above, the Project does not comply with numerous applicable City standards, including vehicle parking, bicycle parking, open space, trees, retail frontage, and tower spacing. This allows the Applicant to save money by requesting variances, deviations, and allowances that save money for the Applicant, while benefitting from the extra value brought to the Project site by the TFAR transfer. The City should not approve the sale of its limited TFAR rights for this Project.

B. The City Has Authority to Negotiate the Project’s Public Benefits

In addition to other fees collected by the City, the Applicant will make a \$1.34 million TFAR “transfer payment” to the City, which the City must use to provide public benefits.⁴⁰ The Applicant also proposes to make a \$1.2 million “public benefit” payment to the City, for the provision of public benefits. Finally, the Applicant will provide \$1.2 million in public benefit payments to four projects: the Los Angeles Streetcar project, the Broadway Streetscapes project, the Pershing Square Renew project, and the L.A. Neighborhood Initiative “way finding” project.⁴¹ All four of these improvement projects are located near the Project site, and they will therefore benefit not just the public, but also the Applicant.

There are numerous ways in which the City could ensure that the public benefits provided by this Project support the City’s struggling construction workers, and not just the transit systems and streetscapes that surround the Project site. For instance, the City has the authority to allocate *either* the transfer payment or the public benefit payment to the four projects identified by the Applicant, thereby freeing up the remaining amount for the provision of direct public benefits that support the local construction workforce. The City Council may also approve more than a 50% provision of direct public benefits, by authorizing the Applicant of hire locally and pay prevailing wages, instead of making a public benefit payment to the City.⁴²

³⁹ LAMC § 14.5.6 B.2(b)(2).

⁴⁰ LAMC § 14.5.12; Planning Commission Determination Letter dated October 17, 2014, p. F-18.

⁴¹ *Ibid.*

⁴² LAMC §§ 14.5.3 (defining “public benefit” using examples, half of which are direct benefits to people, such as local hire and prevailing wages, and the other half infrastructure improvements); 14.5.9 B (City Council can approve more than a 50% provision of direct public benefits, rather than payment).

At the Planning Commission hearing, the Planning Commissioners expressed strong concerns about the Applicant's refusal to provide direct public benefits to the construction workers of Los Angeles. City staff advised the Commissioners, however, that the Planning Commission and even the City Council had very little discretion to address the public benefits proposed by the Applicant. City staff suggested that the City's decision-making powers, even for a project that proposes to use City-owned TFAR credits, are limited only to the findings set forth in the TFAR Ordinance. We do not agree with the staff's limited view of the scope of the City's discretion in this matter.

The City *owns* the TFAR credits that this Applicant needs to build its Project. In May 2014, the City accepted the transfer of the remaining Convention Center floor area rights that were owned by the former Community Redevelopment Agency. The City now owns all of the floor area rights that are subject to transfer from the Convention Center. The City's decision to sell those rights to a particular developer is within the sound and exclusive discretion of the City's decision-makers. According to staff, this is the first high-rise tower development requesting to purchase the City's TFAR credits from the Convention Center. The City should not hesitate to ensure that these limited credits are used for projects that provide sufficient public benefits, and that comply with the City's development standards.

1. *The Planning Commission's Authority*

To approve a TFAR transfer, the Planning Commission must find that the proposed transfer of floor area rights: (1) "is appropriate for the long-term development of the Central City"; (2) is consistent with the purposes and objectives of the City Center Redevelopment Plan; (3) serves the public interest by providing public benefits as required by the TFAR Ordinance; and (4) is in conformance with relevant policy documents adopted by the City.⁴³ Moreover, the Planning Commission "may require additional conditions" to ensure consistency with the Redevelopment Plan and Community Plan, and to "secure appropriate development in harmony with" the General Plan.⁴⁴

The long-term development of the Central City will depend on a viable construction workforce, and it is appropriate for the City to sell its limited TFAR

⁴³ LAMC § 14.5.6 B.4(a) (referencing § 14.5.6 B.2(a).)

⁴⁴ LAMC § 14.5.6 B.4(b)(2).

credits for projects that will provide a range of public benefits, including support of the local workforce. The objectives of the City Center Redevelopment Plan include “providing a full range of employment opportunities for persons of all income levels,” “providing the public and social services and facilities necessary to address the needs of the various social, medical and economic problems of Central City residents,” and “establishing an atmosphere of cooperation among residents, workers, developers, businesses, special interest groups, and public agencies.”⁴⁵ The Applicant’s refusal to consider the provision of public benefits through the use of local hire and prevailing wages does not meet these objectives, and the Planning Commission was within its discretion to consider these issues, contrary to the advice of staff.

2. *The City Council’s Authority*

The City Council must make the same findings as the Planning Commission, and therefore is subject to the same considerations discussed above. Moreover, the TFAR Ordinance requires consultation between the Applicant and the City Council District in which the Project is proposed (District 14, José Huizar), to identify “development issues” associated with the Project, including the public benefits that the Project will provide.⁴⁶ The TFAR Ordinance specifically defines “public benefits” to include local hire and the payment of prevailing wages.⁴⁷ The TFAR Ordinance therefore contemplates that the City will play a significant role in developing the public benefits to be provided by a project that chooses to utilize the TFAR process. Councilman Huizar should exercise this authority and request further consultation with the Applicant regarding the Project’s provision of direct public benefits.

The City Council ultimately has the “authority,” not the obligation, to approve or disapprove a proposed TFAR Transfer Plan.⁴⁸ That approval can be made “with conditions.”⁴⁹ The City Council has discretion to approve more than a

⁴⁵ http://www.crala.org/internet-site/Projects/City_Center/upload/citycenter.pdf, p. 3. The Community Plan does not directly address prevailing wages because the Redevelopment Agency’s policy was to require prevailing wages on all redevelopment projects. <http://www.crala.org/internet-site/Documents/upload/Prevailing-Wage-Policy.pdf>

⁴⁶ LAMC § 14.5.5.

⁴⁷ LAMC § 14.5.3.

⁴⁸ *Id.* § 14.5.6 B.

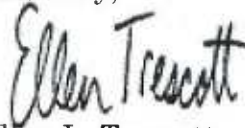
⁴⁹ *Id.*

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50% provision of "direct" public benefits by the Applicant, and the City can use either of the two TFAR payments to fund the four streetscape and transit projects supported by the Applicant. The City should negotiate with the Applicant to ensure that this Project provides direct public benefits including local hiring and the payment of prevailing wages.

Thank you for your consideration of the important issues raised in this appeal.

Sincerely,

A handwritten signature in black ink that reads "Ellen Trescott". The signature is written in a cursive, flowing style.

Ellen L. Trescott

ELT:ljl

cc: Michael LoGrande, Director of City Planning (via e-mail,
michael.logrande@lacity.org)



LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: OCT 17, 2014

CASE NO.: CPC-2013-4134-TDR-MCUP-ZV-SPR
CEQA: ENV-2013-4135-MND

Location: 820, 826 S. Olive Street,
817, 819, 825 S. Hill Street

Council District: 14 – Huizar

Plan Area: Central City

Applicant: Rossano De Cotiis, Onni Real Estate IX, LLC
Representative: Jim Ries, Craig Lawson & Co., LLC

Request(s): Transfer of Development Rights, Master
Conditional Use, Zone Variance, Site Plan Review

At its meeting on October 9, 2014, the following action was taken by the City Planning Commission:

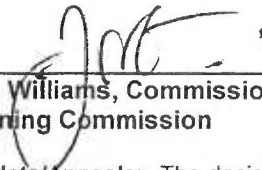
1. **Found**, pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, that the previously adopted **Mitigated Negative Declaration (ENV-2013-4135-MND)** and associated Findings adequately served as environmental clearance for the project.
2. **Approved and Recommend** the City Council **Adopt** the requested **Transfer of Floor Area Rights** from the Los Angeles Convention Center (Donor Site) at 1201 S. Figueroa Street, a City-owned property, for the approximate amount of 266,928 square feet and from a private transfer (Donor Site) at 830 S. Olive Street for the approximate amount of 22,629, to the project site (Receiver Site) permitting an FAR of 10.6:1 and 529,083 square feet of floor area in lieu of a 6:1 FAR which permits 239,526 square feet of floor area.
3. **Approved a Master Conditional Use Permit** for the sale of a full-line of alcoholic beverages for on-site consumption within up to three premises for approximately 4,500 square feet.
4. **Denied without Prejudice** the requested **Variance** from Section 12.21 G.2 of the LAMC to allow a nine (9) percent reduction in open space (53,986 square feet in lieu of 59,325 square feet) and instead:
5. **Approved a Director's Decision** per Section 12.21 G.3 of the LAMC to permit a nine (9) percent reduction to the required open space (53,986 square feet in lieu of 59,325 square feet).
6. **Approved** the requested **Variance** from Section 12.21 G.2(a)(3) of the LAMC to provide one tree per 11.1 dwelling units in lieu of one tree per four dwelling units (47 trees in lieu of 131 trees).
7. **Approved** the requested **Variance** from Section 12.21 A.5(c) of the LAMC to permit compact stalls to be utilized as all required parking, in lieu of a maximum of 40% of compact stalls for non-residential uses, and in lieu of a minimum of one standard space for each residential unit.
8. **Approved** the requested **Variance** from Section 12.21 A.16(e)(2)(iii) of the LAMC to deviate from the location and access requirements for long-term bicycle parking, which requires specific locations for long-term bicycle parking in parking garages.
9. **Approved** the requested **Site Plan Review** for a project that creates a maximum 529,083 square feet of development on a 39,921 square-foot site including 522 residential units and 4,500 square feet of retail/commercial uses.
10. **Adopted** the attached amended **Findings**.
11. **Adopted** the attached modified **Conditions of Approval**.
12. **Advised** the applicant that pursuant to the State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notices of Determination (NOD) filing.

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: Dake-Wilson
Seconded: Ahn
Ayes: Ambroz, Choe, Katz, Mack, Perlman
Absent: Cabildo, Segura

Vote: 7 – 0



James K. Williams, Commission Executive Assistant II
City Planning Commission

Effective date/ Appeals: The decision of the City Planning Commission is effective upon the mailing date of the determination letter and becomes final if no appeals are filed within the **15-day appeal period**. Any aggrieved party may appeal the Commission's determination. 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 Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

Final Appeal Date: NOV 03 2014

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

Attachments: Modified Conditions of Approval, amended Findings
City Planner: Blake Lamb

CONDITIONS OF APPROVAL

General 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, Plan Implementation 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 provisions of the Municipal Code or the project conditions.
2. **Use.** The Project Site shall be limited to a maximum of 522 dwelling units and 4,500 square feet of commercial/retail use on the ground floor. Individual tenant spaces must be built with a depth not less than 25 feet and an average 14'-0" floor-to-ceiling height.
3. **Height.** The building height shall not exceed 636 feet, which shall be measured according to the LAMC. Any structures on the roof, such as air conditioning units and other equipment shall be fully screened from view of any abutting properties.
4. **Downtown Design Guide.** Plans shall be revised to reflect that the Project is consistent with the following:
 - a. Street trees shall be spaced not more than an average of 25 feet on center and shall comply with Downtown Design Guide Section 9.F_or as required by the Bureau of Street Services, Urban Forestry Division.
 - b. Continuous landscaped parkways shall be provided along South Olive Street, where feasible. Where there is curbside parking, one walkway for each one or two parking spaces shall be provided through the parkway. If landscaped parkways are not feasible, the trees shall be planted in tree wells designed to the standards identified in the Downtown Design Guide, a minimum of 7' wide.
 - c. The 1,975 square foot common room / lobby located on the ground floor shall be reduced in size. At least 50% of the frontage of the common room / lobby shall be redesigned as retail square footage. This new area of retail space shall be built with a depth not less than 25 feet and an average 14'-0" floor-to-ceiling height.
 - d. Exterior lighting for the building and landscaping shall comply with Downtown Design Guide Section 8.F.
 - e. A master sign plan for the entire project shall be submitted to planning staff in the Metro Neighborhood Projects Section prior to final clearance. The master sign plan shall identify all sign types that can be viewed from the street, sidewalk or public right-of-way and shall comply with Downtown Design Guide Section 10.
5. **Dedications and Improvements.** The applicant shall provide highway dedication, street widening and/or sidewalk requirements to the satisfaction of the City of Los Angeles Bureau of Engineering:
 - a. Hill Street has been re-designated to a Modified 2-Way Secondary Highway, which requires a 28-foot half-width roadway within a 46-foot half-width right-of-way and an 18-foot sidewalk.
 - b. Olive Street has been re-designated to a Modified Secondary Highway, which requires a 28-foot half-width roadway within a 45-foot half-width right-of-way, and a 17-foot sidewalk.

6. The ground floor access driveway shall be designed to incorporate a special paving pattern as depicted in Exhibit A.

TFAR Conditions

7. **Floor Area.** Development shall not exceed a 10.6:1 Floor Area Ratio (FAR) based on the definition of Buildable Area for a Transit Area Mixed Use Project in LAMC Section 14.5.3 and a total floor area of 529,083 square feet. The Transfer Payment and Public Benefit Payment shall be pro-rated to the amount of TFAR being acquired in the event the maximum amount of TFAR approved is not required. The base lot area used to calculate the base floor area shall be 39,921 square feet at a 6:1 FAR. Changes to the Project that result in a twenty percent decrease in floor area, or more, shall require the filing of a Plan Approval case to be determined by the City Planning Commission as the initial decision maker.
8. **TFAR Transfer Payment.** The Project is subject to and shall pay a TFAR Transfer Payment in conformance with Section 14.5.6 through 14.5.12 of the Code. Such payment shall be based on the actual amount of floor area transferred to the Project site.
 - a. The Applicant shall provide a TFAR Transfer Payment consistent with LAMC Section 14.5.10. in the amount of \$1,334,640 for the transfer of 266,928 square feet from the Los Angeles Convention Center to the Project Site.
 - b. Approximately 22,629 square feet from the site at 830 S Olive Street shall be transferred to the subject project by way of a private transfer. This floor area shall not be utilized at 830 S Olive Street. Prior to the issuance of any permits relative to this matter, an agreement concerning this condition shall be recorded onto the property at 830 S Olive Street. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject case file. The Applicant shall also submit documentation of the existing floor area currently utilized at 830 S. Olive, to be verified by the Department of Building and Safety.
 - c. The total amount of floor area authorized to be transferred from the Los Angeles Convention Center by this action shall not exceed 266,928 square feet. The total floor area of the Project Site, inclusive of existing floor area rights, shall not exceed 529,083 square feet.
9. **Public Benefit Payment.** The Project is subject to and shall pay a Public Benefit Payment in conformance with Section 14.5.6 through 14.5.12 of the Code.
 - a. The Applicant shall provide a Public Benefit Payment consistent with LAMC Section 14.5.9. in the amount of \$2,538,638 provided that at least 50 percent (or \$1,269,319) of the Public Benefit Payment consist of cash payment by the applicant to the Public Benefit Trust Fund. Consistent with the TFAR Ordinance, the Project shall provide 50 percent (or \$1,269,319) of the Public Benefit Payment by directly providing the following public benefits:
 - i. A payment to the Los Angeles Streetcar, Inc. in the amount of \$445,848 (35.125%). The funds shall be utilized for organizational operating costs, preliminary engineering, and/or design of the Downtown Los Angeles Streetcar project.

- ii. A payment to the City of Los Angeles Bureau of Engineering in the amount of \$445,848 (35.125%). The funds shall be utilized for the build out of the Broadway Streetscape Master Plan Phase 2.
 - iii. A payment to the Pershing Square Renew in the amount of \$297,338 (23.425%). The funds shall be utilized for planning, design, and improvements of the Pershing Square Park and associated garage.
 - iv. A payment to the Los Angeles Neighborhood Initiative (LANI) in the amount of \$80,284 (6.325%). The funds shall be utilized for the design and implementation of an updated downtown way finding system to link downtown neighborhoods and assist pedestrians with navigation.
- b. The Applicant shall pay the required Public Benefit Payment, less the cost of the Direct Provision of Public Benefits, in cash to the Public Benefit Trust Fund, pursuant to the terms of Transfer of Floor Area Rights Ordinance No. 181,574, Article 4.5 of the LAMC. The Public Benefit Payment proof of cash payment and direct provision of public benefits is required upon the earliest occurrence of either:
- i. The issuance of the building permit for the Project; or
 - ii. Twenty-four months after the final approval of the Transfer and the expiration of any appeals or appeal period; should the Applicant not make the required payments within the specified time, subject approval shall expire, unless extended by the Director in writing.

Zone Variance Conditions

- 10. Parking.** The Project shall provide a maximum of 533 parking spaces.
- a. Residential Parking: A maximum of 533 parking spaces shall be provided for the residential units.
 - b. Commercial Parking: No parking shall be required for the commercial uses.
 - c. In the event that the number of residential units is reduced, or the composition of such units should change, the total number of parking spaces required shall be recalculated. However, in no event shall the parking provided be greater than the maximum required under LAMC regulations.
- 11. Compact Parking Stalls.** The Project shall provide a minimum of 324 standard parking spaces with the remainder of parking spaces to be any combination of standard and compact spaces.
- 12. Open Space.** The Project shall provide the following amounts of open space, landscaped common open space, and trees:
- a. A 9% reduction of open space is approved for a minimum of 53,986 square feet of open space required.
 - b. A minimum of 47 trees shall be provided on site. Final plans shall be updated to include at least one additional on-site tree for a total of 47 on-site trees. Street trees shall be spaced not more than an average of 25 feet on center and shall comply with Downtown Design Guide Section 9.F. At least 50 percent of the provided trees shall be canopy trees in conformance with Downtown Design Guide Section 7.
 - c. The 84 trees required by LAMC Section 12.21 G.2(a)(3) that cannot be accommodated on site shall be planted off-site by City Plants, a public-private partnership with the City of Los Angeles under the Board of Public Works. The first priority for the location of off-site plantings shall be within the Central City Community Plan Area, and second at the discretion of City Plants. The applicant shall provide funds to City Plants equivalent to those necessary for the trees, concrete cut, planting, and 5 years of watering and maintenance for each tree.

An agreement with City Plants demonstrating compliance with this condition shall be furnished at the time of Building Permit Clearance. Contact City Plants, at (213) 473-9950 to execute the agreement.

- d. In the event that the number of residential units is reduced, the minimum number of 47 trees to be planted on-site shall not be reduced. However, the number of trees to be planted off-site shall be recalculated per LAMC requirements.
- e. A minimum of 25% of the common open space provided shall be landscaped in accordance with LAMC 12.21 G2 (a)(3).

Master Conditional Use for Alcohol Conditions

13. A Master Conditional Use Permit is approved to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in three lease spaces within the project for approximately 4,500 square feet.
14. Prior to availing themselves of the zoning entitlements granted herein, the current or future applicant and/or operator shall file a Plan Approval Determination application with the City of Los Angeles, Department of City Planning, Office of Zoning Administration for each of the venues granted here in concept. The applicant shall file and pay fees for a Plan Approval at the Development Services Public Counter, for the required review and approval of finalized tenant floor plans for each of the three venues.

The applications shall be made subject to a public hearing unless said hearing is waived by the Chief Zoning Administrator.

15. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
16. At any time should there be a change in the operator of the overall premises the new operator shall be required to file a Plan Approval application and associated fees pursuant to Section 19.01-1 of the Los Angeles Municipal Code at the Department of City Planning, Public Counter. The Plan Approval application shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new operator. A public hearing may be conducted at the discretion of the Chief Zoning Administrator, and if so required shall go forward with notification of all owners and occupants of property within a 500-foot radius. The purpose of the plan approval will be to review and establish conditions deemed applicable to the use as maintained and conducted by the new operator consistent with the intent of the Conditions of this grant. Upon this review the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

Environmental Conditions

17. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
18. **Aesthetics (Glare).** The exterior of the proposed structures shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
19. **Air Pollution (Demolition, Grading, and Construction Activities).**

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting would reduce fugitive dust by as much as 50 percent.
- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- g. Trucks having no current hauling activity shall not idle but be turned off.

20. Tree Removal (Public Right-of-Way).

- a. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services. Removal of trees in the public right-of-way requires approval by the Board of Public Works.
- b. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).
- c. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway, and on the site, on a 1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.
- d. All trees in the public right-of-way shall be provided per the current Urban Forestry Division Standards.

21. Cultural Resources (Archaeology). If any archaeological materials are encountered during the course of the Project development, all further development activity shall halt in the areas of archaeological sensitivity (excavation or disturbance may continue in other areas of the Project Site that are not reasonably suspected to overlie adjacent archaeological resources), and:

- a. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Register of Professional Archaeologists (ROPA) or a ROPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- b. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the archaeological survey, study or report are submitted to:

SCCIC Department of Anthropology
McCarthy Hall 477 CSU Fullerton
800 North State College Boulevard
Fullerton, CA 92834

- e. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

22. Cultural Resources (Paleontology). If any paleontological materials are encountered during the course of the Project development, all further development activities shall halt in the areas of paleontological sensitivity (excavation or disturbance may continue in other areas of the Project Site that are not reasonably suspected to overlie adjacent paleontological resources), and:

- a. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology – USC, UCLA, California State Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The Applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.
- e. Any fossils recovered during mitigation shall be deposited in an accredited and permanent scientific institution for the benefit of current and future generations.
- f. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

23. Cultural Resources (Human Remains). In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- a. Stop immediately and contact the County Coroner:
1104 N. Mission Road
Los Angeles, CA 90033
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
- b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
- c. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- d. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- e. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
- f. If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

24. Erosion/Grading/Short-Term Construction Impacts.

- a. The Applicant shall provide staked signage at the Site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector

(Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.

- b. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
 - i. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
 - ii. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

25. Geotechnical Report.

- a. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- b. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project and as it may be subsequently amended or modified.

26. Explosion/Release (Methane Gas). Environmental impacts may result from project implementation due to its location in an area of potential methane gas zone. However, this potential impact will be mitigated to a less than significant level by the following measures

- a. All commercial, industrial, institutional and multiple residential buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code, hired by the building owner. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineer's design recommendations subject to Department of Building and Safety and Fire Department approval.
- b. All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations.

27. Stormwater Pollution (Demolition, Grading, and Construction Activities).

- a. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.

- b. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
 - c. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.
 - d. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
 - e. Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- 28. Construction Noise (Staging).** Construction staging areas shall be as far from sensitive receptors as possible.
- 29. Construction Noise (Sound Barriers).** Temporary sound barriers, capable of achieving a sound attenuation of at least 12 dBA (e.g., construction sound wall or sound blankets) and blocking the line-of-sight between the adjacent sensitive receptors shall be installed on the southern boundary of the project site between the proposed project and the SouthPark Hotel during subterranean grading of the parking garage. The barrier shall be erected on the property line and at least 15 feet high from the current grade, or tall enough to block the line of site from the top of the windows on the third floor of the SouthPark Hotel to any excavation activities within 60 feet of the property line facing the SouthPark Hotel. The barrier shall have a Sound Transmission Class of 35 or more and include exterior grade acoustical blankets that provide sound absorption and further reduce the reflection of sound waves.
- 30. Construction Noise (Mufflers).** All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices.
- 31. Increased Noise Levels (Parking Structure Ramps).** Environmental impacts may result from project implementation due to noise from cars using the parking ramp. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- a. Concrete, not metal, shall be used for construction of parking ramps.
 - b. The interior ramps shall be textured to prevent tire squeal at turning areas.
- 32. Groundborne Vibration (Construction).**
- a. Construction equipment shall utilize rubber tired equipment in place of steel-track equipment whenever feasible.
 - b. The construction contractor shall stage and warm-up construction equipment as far from nearby sensitive receptors as possible.
 - c. The construction contractor shall avoid utilizing high vibration construction equipment (e.g. large bulldozers) near surrounding sensitive receptors, to the maximum extent feasible.
 - d. The construction contractor shall avoid using vibratory rollers and packers near sensitive areas.
 - e. The construction contractor shall avoid impact pile-driving where possible. The construction contractor shall use drilled piles or the use of a sonic or vibratory pile driver where geological conditions permit their use.
- 33. Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in

width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

34. **Public Services (Police – Demolition/Construction Sites).** Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
35. **Public Services (Police).** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the Project Site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design," published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.
36. **Emergency Access.** The Applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.
37. **Utilities (Wastewater – Construction).** As part of the normal construction/building permit process, the Project Applicant shall confirm with the City that the capacity of the local and trunk lines are sufficient to accommodate the Project's wastewater flows during the construction and operation phases. If the public sewer has insufficient capacity, then the Project Applicant shall be required to build sewer lines to a point in the sewer system with sufficient capacity.
38. **Utilities (Wastewater).** The Project Applicant shall implement any upgrade to the wastewater system serving the Project Site that is needed to meet municipal requirements.
39. **Utilities (Water – Construction).** As part of the normal construction/building permit process, the Project Applicant shall confirm with the City that the capacity of the existing water infrastructure can supply the domestic needs of the Project during the construction and operation phases.
40. **Utilities (Water).** The Project Applicant shall implement any upgrade to the water infrastructure serving the Project Site that is needed to meet municipal requirements. In addition to the requirements of the Low Impact Development Ordinance, the applicant shall implement the following conservation measures:
 - a. High-efficiency toilets with flush volume of 1.0 gallons of water per flush
 - b. Kitchen faucets with flow rate of 1.5 gallons per minute or less
 - c. High-efficiency clothes washers (residential) – water factor of 4.0 or less
 - d. Showerheads with flow rate of 1.5 gallons per minute or less
 - e. Drought Tolerant Plants – 70 percent of total landscaping

- f. Cooling Tower Conductivity Controllers or Cooling Tower pH Conductivity Controllers
- g. Leak detection system for swimming pools and Jacuzzi
- h. Drip/subsurface irrigation (Micro-irrigation)
- i. Proper Hydro-zoning (groups plants with similar water requirements together)
- j. Zoned irrigation

41. Utilities (Solid Waste Recycling).

- a. (Operational) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the Project's regular solid waste disposal program.
- b. (Construction/Demolition) Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction related wastes.
- c. (Construction/Demolition) To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

42. Utilities (Solid Waste Disposal). All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

Administrative Conditions

43. 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. 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 "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

44. 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.

45. Approval, Verification and Submittals. Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

- 46. Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
- 47. 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.
- 48. Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
- 49. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 50. Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the property owners in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject case file.
- 51. Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 52. Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

FINDINGS

1. **Site Plan Review** — Pursuant to Section 16.05 the Municipal Code, a Site Plan Review is required for a project that creates, or results in an increase of 50 or more dwelling units. The proposed project will create a maximum 529,083 square feet of development on a 39,921 square-foot site including 522 residential units and 4,500 square feet of retail/commercial uses.
 - A. *That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.*

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The Project Site is located entirely within the boundaries of the Central City Community Plan. The Project Site has a land use designation of High Density Residential. The proposed mixed-use development with multi-family residential and commercial uses is consistent with the properties' land use designations and the underlying zoning. The proposed Project will be in substantial conformance with the purposes, intent, and provisions of the General Plan and all of its elements.

The Framework Element

The Framework Element for the General Plan (Framework Element) was adopted by the Los Angeles City Council on December 11, 1996 and re-adopted on August 8, 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the Project site. The Framework Element of the General Plan establishes general policies for the City of Los Angeles based on projected population growth. Land use, housing, urban form and neighborhood design, open space, economic development, transportation, infrastructure, and public services are all addressed in the context of accommodating future City-wide population increases. The City's various land use "categories" are defined based on appropriate corresponding development standards including density, height, and use.

The Framework Element defines the Downtown Center, which is bounded by Cesar Chavez Avenue to the north; Alameda Street to the east; Santa Monica (10) Freeway to the south; and the Harbor (110) Freeway to the west, as "*an international center for finance and trade that serves the population of the five-county metropolitan region.*" It is the largest government center in the region and the location for major cultural and entertainment facilities, hotels, high-rise residential towers, regional transportation facilities, and the Convention Center. These uses serve the region, state, nation, and global needs. Generally, the Downtown Center is characterized by Floor Area Ratios (FARs) up to 13:1 and high-rise buildings.

The proposed development is consistent with the following goals, objectives and policies of the Framework Element for Multi-Family Residential:

Goal 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7: Provide for stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The proposed development is consistent with the following Framework Element Downtown Center goals, objectives and policies:

Goal 3G: A Downtown Center as the primary economic, governmental, and social focal point of the region with an enhanced residential community.

Objective 3.11: Provide for the continuation and expansion of government, business, cultural, entertainment, visitor serving, housing, industries, transportation, supporting uses and similar functions at a scale and intensity that distinguishes and uniquely defines the Downtown Center.

Policy 3.11.1: Encourage the development of land uses and implement urban design improvements guided by the Downtown Strategic Plan.

Objective 3.15: Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.

Policy 3.15.3: Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy 3.1.6.

The Project site is currently underutilized and improved with a surface parking lot. The Applicant proposes to revitalize the site with a mixed-use residential and commercial building that will provide ground floor commercial/retail uses and residential units contained in a 50-story tower. The Project site is at an optimal location for high-density development as it is located in a transit-rich area of Downtown. The Project is located approximately one-quarter mile from the 7th Street/Metro Center Station, which is served by the Metro Red, Purple, Blue and Expo lines. The Metro Red Line provides access to Hollywood and the San Fernando Valley, with connecting service to the Metro Orange Line (serving the west Valley and Chatsworth). The Metro Purple Line provides access to Koreatown and both lines serve Downtown including Los Angeles Union Station, with connecting service to the Metro Gold Line (serving Pasadena and East Los Angeles), Amtrak passenger rail, Metrolink commuter rail, and bus service for regional and local lines. The Metro Blue Line provides access from downtown Los Angeles to downtown Long Beach, as well as connecting service to the Metro Green Line (serving Norwalk, Redondo Beach, and LAX via shuttle) and the Expo Line provides access from downtown Los Angeles to the City of Culver City with an extension to the City of Santa Monica currently under construction.

Metro also operates more than 30 local and limited stop routes within reasonable walking distance (one-quarter mile) of the Project Site. Operating adjacent or proximate to the Site are Lines 14, 37, 70, 71, 76, 78, 79, 96, 378, and 770 along Grand Avenue traveling southbound, and Olive Street traveling northbound; Lines 2, 4, 28, 81, 83, 90, 91, 94, 728, and 794 along Hill Street; Lines 2, 4, 30, 40, 45, 84, 330, and 745 along Broadway; Lines 28, 33, 38, 55, 83, 355, 733, and 728 along Spring Street; Lines 51, 52, and 352 along 7th Street; Lines 66 and 81 along 8th Street, traveling westbound, and 9th

Street, traveling eastbound; and Lines 28 and 728 along Olympic Boulevard. The project takes advantage of the location by offering a mixed-use project with 522 residential units and ground floor commercial uses.

The location of the Project near major transit services epitomizes the Framework Element's vision of integrating Downtown Center density with public transportation infrastructure and would encourage the use of transit by on-site residents and their guests, retail patrons, and employees. This development scale is compatible with the Framework Element that envisions that the "*Downtown Center would continue to accommodate the highest development densities in the City and function as the principal transportation hub for the region.*" By enabling the construction of a high-density housing project in close proximity to jobs, services, entertainment uses and a transit rich area, the Transfer of Floor Area and Site Plan Review would be consistent with several goals and policies of the Framework Element.

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 Project, as a mixed-use transit-oriented development, advances a number of specific goals and objectives contain in the Central City Community Plan. These include:

Objective 1-1: To promote development of residential units in South Park.

Policy 1-1.1: Maintain zoning standards that clearly promote housing and limit ancillary commercial to that which meets the needs of neighborhood residents or is compatible with residential uses.

Objective 1-2: To increase the range of housing choices available to Downtown employees and residents.

The Plan recognizes that, "*The continued economic and social viability of Central City depends on the contributions of a stable population and vibrant, cohesive neighborhoods. Therefore, a primary objective of the Central City Plan is to facilitate the expansion of housing choices in order to attract new, economically and ethnically diverse households (page III-1).*" This project clearly promotes new housing opportunities for Downtown Los Angeles by proposing the addition of 522 dwelling units to the housing stock of South Park and Historic Downtown. Furthermore, the new residential units will not remove existing residential units or displace residents, but would instead revitalize underutilized surface parking lots. The Project will contribute to the City's housing stock and will be comprised of a mix of unit sizes within the Project as follows:

	Unit Count
Loft	17
Townhouse	6
One Bedroom	246
One Bedroom + Den	82

Two Bedroom	166
Three Bedroom	4
Three Bedroom + Den Penthouse	1
Total Units	522

The proposed 4,500 square-foot commercial/retail space located at ground level will meet the needs of the residents, be compatible with the residential units and activate Olive and Hill Streets. The commercial/retail space is ancillary to the residential units, but is a vital component of the Project that will help tie into the lively urban environment of 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.

The proposed project will include a total of 4,500 square feet of commercial/retail space on the ground floor. The retail space will benefit the residents of the building, residents of adjacent buildings, as well as the employees that work nearby and visitors to Downtown. The proposed commercial space also provides employment opportunities for area residents and creates a linkage between jobs and housing.

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 supplements Municipal Code provisions and applies to all projects within its boundaries of the Hollywood Freeway (Interstate 101) on the north, the Santa Monica Freeway (Interstate 10) on the south, Harbor Freeway (Interstate 110) on the west and Alameda Street and San Pedro Street on the east. 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 conditioned, the project complies with the requirements of the Downtown Design Guide, with the exception of the required retail frontages on Olive and Hill Streets. Section 4.a.2 states that "on Retail Streets, ground floor space with a linear frontage equal to at least 50% or 75% of street frontage, as specified in Figure 3-1, shall be designed to accommodate retail, professional office, and live-work uses". Per Figure 3-1 of the Downtown Design Guide, both Olive and Hill Streets along the Project Site are designated Retail Streets requiring 75% of the frontage devoted to retail uses. The proposed Project provides short-term bicycle parking, residential lobby space, and commercial/retail space along both ground floor street frontages, however only 56.5 percent of the Olive Street frontage and 26.8 percent of the Hill Street frontage is devoted to commercial/retail uses. As conditioned, lobby / common room on Hill Street shall be reduced by 50% in order to accommodate additional retail square footage.

Historic Downtown Los Angeles Design Guidelines

The Historic Downtown Los Angeles Design Guidelines were created in July 2002 by a consortium of interest groups including the Los Angeles Conservancy, the Historic Core Business Improvement District (BID), the Downtown Center BID, and the Fashion District BID. The Design Guidelines are based on the Secretary of Interior Standards for the Treatment of Historic Properties and were intended to serve as a tool to create historically compatible design in an area encompassing Hill Street to the South, Main Street to the east, 3rd Street to the north, and 9th Street to the south. The New Construction guidelines include design guidelines meant to ensure that new work in this area does not destroy historic materials, features, and spatial relationships that characterize a building or district while also being differentiated from the old and maintaining compatibility with the historic materials, features, size, scale, proportions and massing. As conditioned, the project complies with the following design guidelines:

Construct new buildings, of compatible design with the surrounding neighborhood, on parking lot sites.

Pursue creative and innovative contemporary designs for new buildings in the Historic Downtown.

Build consistently with the street wall, particularly at corner sites.

Design new buildings to respond to the existing building context within a block, and provide continuity to the overall streetscape. Frequently a new building will be inserted on a site between two existing buildings of disparate scale and design.

Set back upper floors, especially when a taller building is permitted by code, so that the dominant roof and cornice lines remain consistent along the street wall.

Explore options for multi-use buildings, combining residential, commercial, and other compatible uses where appropriate.

When developing vacant sites, consider incorporating through-block public arcades or "paseos", like those of the Broadway-Spring Arcade or the Grand Central Market. Arcades encourage pedestrian movement across the downtown area and provide opportunities for burgeoning retail businesses in an open market-like venue.

The proposed Project will remove an underutilized surface parking lot and replace it with a high density mixed-use building containing 522 residential units, 4,500 square feet of ground floor commercial/retail space and 533 parking spaces. The Project Site is located partially in the Historic neighborhood of Downtown Los Angeles; however, there is little existing historic fabric on the block where the Project Site is located. The block where the Project Site is located contains a mix of improvements ranging from surface parking lots to 11- and 12-story commercial and residential buildings from the 1920s to a new, modern 33-story high rise. The Project Site is surrounded by a seven-story parking structure to the north and surface parking lots and a three-story SRO from 1911 to the south. Just south of the SRO and surface parking lots is the 33-story high rise currently under construction by the same developers and of a similar architectural style to the proposed Project. The Project is a modern design that is differentiated from nearby older buildings, while still maintaining compatibility and providing a consistent street wall.

The mixed-use building will provide commercial/retail spaces at the ground floor and residential units in the tower above. The tower is set closer to Hill Street where the adjacent uses include the parking structure, surface parking lot and the podium of the new high-rise. The building will utilize a break in the plane and a change in materials above the podium levels to create a cornice line at the top of fifth level. The Project's five- to seven-story podium with rooftop amenities and townhouse units is located along Olive Street, adjacent to the seven-story parking structure and three-story SRO. The Project Site only has approximately 120 feet of frontage along Olive and Hill Streets, so it is difficult to provide a true paseo or arcade, however the ground floor access driveway will provide a connection through the site for residents of the building and will include improved paving and landscaping to signal the space is shared by pedestrians, bicycles, and vehicles.

Downtown Street Standards

On April 24, 2009, the City Council adopted a General Plan Amendment (Case No. CPC-2008-4502-GPA) to the Central City Community Plan to: (a) re-designate selected streets from Major and Secondary Highways to Modified Major and Modified Secondary Highways; (b) revise Chapter V of the Central City Community Plan text to incorporate Downtown Design Guide, Urban Design Standards and Guidelines; and (c) concurrently amend the Transportation Element to revise the Urban Design Chapter and amend the Street Designations for a subarea generally bounded by the 101 Freeway on the north, the 110 Freeway on the west, the 10 Freeway on the south, and San Pedro and Alameda Streets on the east. In addition, the City Council approved the recommendation to continue efforts of the Ad Hoc Downtown Street Standards Committee (DSSC). The DSSC includes representatives from City Planning, Bureau of Engineering, Department of Transportation, Community Redevelopment Agency, and Council Districts 9 and 14, and was formed to evaluate the Downtown street system block-by-block and to develop revised street standards that balance traffic flow with other important street functions including transit routes and stops, pedestrian environments, bicycle routes, building design and site access. The modified street standards are known as the Downtown Street Standards and require the following cross sections:

- Olive Street is Modified Secondary Highway, which requires a 28-foot half-width roadway within a 45-foot half-width right-of-way.
- Hill Street is a Modified Secondary Highway, which requires a 28-foot half-width roadway within a 46-foot half-width right-of-way.

The Project complies with the above cross sections.

Transportation Element

The City's Transportation Element was adopted by City Council on September 8, 1999. The Transportation Element of the General Plan guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods. The Transportation Element recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit. The project is consistent with the following objectives, policies and programs:

Objective 3: Support development in regional center, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.

Policy 3.12: Promote the enhancement of transit access to neighborhood districts, community and regional centers, and mixed-use boulevards.

Policy 3.13: Enhance pedestrian circulation in ... appropriate locations in regional centers and along mixed use boulevards; promote direct pedestrian linkages between transit portals/platforms and adjacent commercial development through facilities orientation and design.

The project proposes a pedestrian-oriented environment by locating high-density residential with ground floor retail uses in close proximity to public transportation and the jobs rich environment of Downtown. Residents who live in the proposed project are within walking distance to many commercial, institutional, cultural and recreational amenities reducing the need for automobile transportation. In addition, the project is conveniently located to local and major bus lines, as well as the 7th Street/Metro Center Station, in express conformity with the Transportation Element's policies and objectives.

Housing Element

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The project is consistent with the following objectives, policies and programs:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy, sanitary and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.1: Provide an adequate supply of rental and ownership housing for households in order to meet current and projected levels.

Policy 1.1.4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.

Policy 2.2.3: Promote and facilitate a jobs/housing balance at a citywide level.

The project requests a Transfer of Floor Area from the Convention Center to the Project Site for 266,928 square feet and a private transfer of 22,629 to allow 529,083 square feet in lieu of the allowable floor area of 239,526 square feet. Permitting the transfer of floor area allows the applicant to develop more residential units, thereby increasing the housing stock in the South Park and Historic Downtown Districts. The creation of 522 new condominium units will also provide the opportunity for ownership in Downtown, a neighborhood that is already jobs-rich. Furthermore, permitting the increase in floor area also helps the City to accommodate growth in Downtown and at the same time locate growth in close proximity to a transit rich area. The project will provide high-density housing along and near several transportation lines. These lines include the Red, Purple, Blue and Expo Rail Lines, several major Metro Transit Authority Lines, and DOT Dash Lines. These transportation lines allow for access to employment centers in all parts of the metropolitan area and help reduce the number of vehicles on the road.

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

Development of the Project Site into a mixed-use residential and commercial building comprised of 4,500 square feet of commercial/retail space and 522 dwelling units would be consistent and compatible with existing and future development on neighboring and other properties within close proximity. The proposed project includes a 50-story tower with a height of 636 feet along Hill Street and a five- to seven-story podium along Olive Street. The property to the north is improved with a seven-story parking structure, with a vacant 13-story office building beyond. To the east of the Project Site, across Hill Street, is the Broadway Trade Center, a six-story commercial building. The properties to the south are improved with surface parking lots, the South Park Hotel, a three-story SRO, and a 33-story mixed-use building currently under construction. The properties to the west across Olive Street are currently improved with surface parking lots, however the property has a planning entitlement for a 27-story mixed use development

Building Arrangement (height, bulk and setbacks)

The proposed Project fully complies with the sidewalk and setback requirements in Sections 3.A and 3.B of the Downtown Design Guide.

The proposed Project complies with Section 3.B., Setbacks of the Downtown Design Guide by providing setbacks appropriate to the adjacent land use and district. The Project contains frontage on Olive and Hill Streets, both of which are identified as retail streets in the Downtown Design Guide. The project will be providing commercial/retail and residential lobby space on the ground floor along Olive Street and Hill Street. The Project complies with the allowable range for setbacks for retail uses in the South Park and Historic Districts. The Downtown Design Guide allows a range of setbacks of zero to five feet in the South Park District when the adjacent ground floor use is retail and a zero foot setback in the Historic District for retail uses. The Downtown Design Guide states that the ground floor street wall may set back farther than the specified range if the structural columns and building walls above the ground floor are located within the specified range. The proposed Project provides a zero-foot setback along the retail uses on the Olive Street frontage, which is in the South Park District. The retail uses along the Hill Street frontage are set at the back of the columns, which are set at the back of the existing sidewalk easement.

The proposed Project complies with Section 6, Massing and Street Wall of the Downtown Design Guide by providing a high-rise massing type and street wall height consistent with the South Park District/Neighborhood north of Pico Boulevard and the Historic Downtown District. The South Park District requires the primary or front façades of buildings to maintain a minimum street wall height of 45 feet and the Historic Downtown District requires a minimum street wall height of 75 feet. The project proposes a podium that ranges from five to seven stories high, with a maximum height of 89 feet, along Olive Street, and five stories, or 65 feet, high along Hill Street. The tower is set adjacent to the Hill Street frontage and the Downtown Design Guide considers walls above the ground floor that step back less than 15 feet to be part of the street wall, so the street wall along Hill Street would be 607 feet tall. The Project is designed so that the bulk of the mass is along Hill Street, adjacent to a surface parking lot and the podium levels of the new 33-story high-rise and the podium levels of the Project are adjacent to the SRO.

Section 6.C of the Downtown Design Guidelines prescribe that towers should be spaced to provide privacy, natural light and air, as well as to contribute to an attractive skyline. The project as proposed does not conform to the minimum tower spacing. The block on which the project is located contains low- to mid-rise buildings and one tower, currently under construction. Based on the Guidelines, where there is no existing adjacent tower, but one could be constructed in the future, the proposed tower must be 40 feet from an interior property line. There is only one parcel to the south of the Project between the Project Site and the high-rise mixed-use development presently under construction. The site is currently improved with a surface parking lot and would not be a large enough site to develop a tower in the future. To the north of the Project Site is a seven-story parking garage and a 13-story office building. If these structures were to be demolished in order to build a tower in the future the tower could be offset from the proposed Project's tower, thereby maintaining the Downtown Design Guide's tower setbacks. While the Project does provide a 40-foot setback from the interior property lines, it would not negatively impact the ability to construct additional towers on this block, as evident in the Block Plan in Exhibit A.

The Project proposes an attractive contemporary design composed of a pavilion-style tower with varying complementary building materials and elements to provide articulation and a building design that promotes a lively street appearance. Building materials consist of transparent glass, spandrel glass, painted spandrel glass, painted concrete and metal louvers that provide a smooth clean, high quality detail to the frame elements and to selected vertical panels and soffits. Frame elements neatly contain painted concrete walls which are articulated with joints, creating rhythm and scale. As proposed, the Project would comply with building arrangement requirements.

The properties adjacent to the proposed Project are improved with a range of buildings from a three-story SRO to a 33-story mixed-use high rise. Additionally, this area of Downtown does not include a height limit and allows a Transfer of Floor Area Rights in order to allow buildings to develop beyond the Floor Area Ratios otherwise prescribed.

Off-Street Parking Facilities and Loading Areas

The proposed Project will provide code required parking while utilizing reductions for providing bicycle parking and complying with the Parking and Access requirements of Section 5 of the Downtown Design Guide. Based on the Central City Parking Exception, the proposed project would be required to provide a total of 587 residential parking spaces with 263 spaces designated for 263 residential units with three habitable rooms or less and 324 spaces designated for 259 residential units with three habitable rooms or more. However, the Bicycle Parking Ordinance No. 182,386 allows the Applicant to replace up to 15% of the required residential automobile parking spaces with bicycle parking, as the project is within 1,500 feet of a fixed rail station. The Project will provide 533 residential parking spaces, utilizing a reduction of approximately 9.2 percent.

The commercial parking ratio for 4,500 square feet of new ground floor retail space will be based on the Exception Downtown Business District, according to LAMC Section 12.21-A,4(i)3 which requires at least one parking space per 1,000 square feet for business, commercial or industrial buildings, having a gross floor area of 7,500 square feet or more. As the proposed commercial/retail space is less than 7,500 square feet, no commercial parking spaces will be required.

The Project will provide a maximum of 533 vehicle parking spaces within two subterranean and five above-grade levels for 522 residential units and 4,500 square feet of commercial/retail space:

Parking			
	Parking Per LAMC 12.21 A.4	Bicycle Parking Reduction	Parking Provided
Residential	587	(54)	533
Retail	0	(0)	0
Total	587	(54)	533

As proposed the Project complies with Section 5.A.7 of the Downtown Design Guide which states that, "No more than the minimum required parking may be provided unless provided for adjacent buildings that lack adequate parking." The Project will utilize the bicycle parking reduction for the code required residential parking and is not required to provide commercial parking, therefore not exceeding the minimum required parking. The Project has requested a Variance to permit compact stalls to be utilized as all required parking, in lieu of a maximum of 40% of compact stalls for non-residential uses, and in lieu of restricting compact stalls for residential uses until a single space is provided. The Variance, discussed below, does not conflict with the Downtown Design Guide.

The Bicycle Parking Ordinance, which applies to projects citywide, became effective on March 13, 2013. It includes design standards and siting requirements as well requirements for short- and long-term bicycle parking. Pursuant to the requirements of LAMC 12.21 A.4, 12.21 A.4(c), 12.21 A.16 and 12.21.1 A.5 (the Bicycle Parking Ordinance 182,386), the project is required to provide a total of 581 bicycle parking spaces. The Downtown Design Guide includes a requirement of one bicycle parking space for every two residential units, which amounts to 261 bicycle parking spaces. For the residential portion of the project, the Bicycle Parking Ordinance requires 522 long term and 53 short term bicycle spaces. For the commercial portion of the project, the Bicycle Parking Ordinance requires 3 long term and 3 short term bicycle parking spaces. The Applicant is providing all of the code required bicycle parking spaces, but has requested a Variance to deviate from the location and access standards for long-term bicycle parking.

Vehicle and bicycle parking would be provided within two subterranean and five above-grade parking levels. Vehicular access would be provided via an access driveway with entry/exit points on both Olive and Hill Streets. This access driveway will connect Olive and Hill Streets and will provide a shared space for vehicles, pedestrians and bicycles with upgraded paving and landscaping. The access driveway will provide vehicular access to ramps to the subterranean and podium-level parking, bicycle access to short- and long-term bicycle parking spaces, and pedestrian access to ground floor commercial spaces. The Project Site is zoned [Q]R5-4D and is not required to provide a commercial loading area pursuant to Section LAMC 12.21 C.6, however a loading bay has been provided off of the access driveway, at the rear of the residential lobby and elevators.

Lighting

The plans submitted do not show the location or type(s) of lighting for the project. The Applicant has been required in Condition of Approval Number 4.d to provide exterior lighting in compliance with Section 8.F., Lighting of the Downtown Design Guide as well as Environmental Condition of Approval Number 17. As conditioned, the project will not result in a substantial amount of light that would adversely affect the day or night time views in the project vicinity.

Landscaping

The LAMC requires 25 percent landscaping in common open space areas, which would be approximately 5,772 square feet. The Project Site will incorporate 6,110 square feet of landscaping on the 6th Floor Garden Plaza.

Additionally, the Project will incorporate two new street trees in the sidewalk complying with the Downtown Design Guide Section 9.F. Street Trees, which requires street trees be planted in conjunction with each project and spaced not more than an average of 25 feet on center. The applicant has requested to reduce the amount of on-site trees provided, to provide 47 trees in lieu of the required 131 (one tree per four residential units). Condition of Approval Number 12.c requires the Applicant to work with City Plants to provide the remaining trees offsite, complying with Section 7.6 of the Downtown Design Guide. As conditioned, the Project will comply with landscaping requirements.

Trash Collection

The Project will provide a trash collection location within the building, which will be located on the ground level at the rear of the residential lobby. Access to collect trash will be from the access driveway.

Fences and/or Walls

The Project does not incorporate fences and/or walls.

- C. *Any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.*

The Project includes specific dedicated areas for residential, social and recreation functions. The Project will provide 53,986 square feet of open space, which will provide common outdoor and indoor space for the residents. The common open space consists of an 18,390 square foot outdoor recreation area on the 6th Floor, an indoor/outdoor flex space on the 6th Floor, and additional indoor common space on the 6th Floor. The outdoor open space areas will include a swimming pool, a dog run, a multi-purpose outdoor exercise area, a lounge area, and landscaped areas. Additionally, Grand Hope Park is located in close proximity to the Project site and provides a public green space. Therefore, the open space and recreation rooms provided on-site and the nearby public park provide appropriate amenities and recreational facilities for the Project's residents and are expected to minimize impacts on neighboring properties.

2. **Transfer of Floor Area Rights** – Pursuant to Sections 14.5.6, and 14.5.8 through 14.5.12 of the Municipal Code, the Applicant requests a Transfer of Floor Area Rights from the Los Angeles Convention Center Site at 1201 S. Figueroa Street, a City-owned

property, to the subject property at 820, 826 South Olive Street, 817, 819, and 825 South Hill Street for an amount not to exceed 266,928 square feet and a private transfer for an amount not to exceed 22,629 square feet, resulting in an increase in the maximum floor area ratio otherwise permitted, from 6:1 to 10.6:1.

Project Site Lot Area (SF)	Existing		Requested		Transfer
	Floor Area Ratio	Floor Area (SF)	Floor Area Ratio	Floor Area (SF)	Max Floor Area Rights Transferred (SF)
39,921*	6:1	239,526	10.6:1**	529,083	289,557
<p>*Lot Area represents the existing lot area prior to any dedications per LAMC Section 14.5.3. ** The requested Floor Area Ratio is based upon the definition of Buildable Area for a Transit Area Mixed Use Project, which includes lot area plus the area between the exterior lot lines and the centerlines of the abutting public rights-of-way. This expanded lot area is used only to calculate the maximum transfer that can be requested, not the existing floor area rights.</p>					

- A. *The increase in Floor Area generated by the proposed Transfer is appropriate with respect to location and access to public transit and other modes of transportation, compatible with other existing and proposed developments and the City's supporting infrastructure, or otherwise determined to be appropriate for the long-term development of the Central City.*

The Receiver Site is bounded by a seven-story parking structure to the north, Hill Street to the east, a surface parking lot and a three-story SRO to the south, and Olive Street to the west. The Project Site is located within the Central City Community Plan Area, and the increase in Floor Area generated by the proposed Transfer is appropriate and well-suited with respect to location and access to public transit and other modes of transportation. The Project site is approximately one-quarter mile from the 7th Street/Metro Center Station, which is served by the Metro Red, Purple, Blue and Expo Lines. From this station, the Metro Red Line provides access to Hollywood and the San Fernando Valley, with connecting service to the Metro Orange Line (serving the west Valley and Chatsworth). The Metro Red Line and Purple Line serve Downtown including Los Angeles Union Station, with connecting service to the Metro Gold Line (serving Pasadena and East Los Angeles), Amtrak passenger rail, Metrolink commuter rail, and bus service for regional and local lines. The Metro Purple Line also serves Koreatown. The Metro Blue Line originates at the 7th Street/Metro Center station and provides access from downtown Los Angeles to downtown Long Beach, as well as connecting service to the Metro Green Line (serving Norwalk, Redondo Beach, and LAX via shuttle). The Expo Line originates at the 7th Street/Metro Center station and currently provides access from downtown Los Angeles to downtown Culver City with construction underway to extend the line to Santa Monica.

Metro operates more than 30 local and limited stop routes within reasonable walking distance (one-quarter mile) of the Project Site. Operating adjacent or proximate to the Site are Lines 14, 37, 70, 71, 76, 78, 79, 96, 378, and 770 along Grand Avenue traveling southbound, and Olive Street traveling northbound; Lines 2, 4, 28, 81, 83, 90, 91, 94, 728, and 794 along Hill Street; Lines 2, 4, 30, 40, 45, 84, 330, and 745 along Broadway; Lines 28, 33, 38, 55, 83, 355, 733, and 728 along Spring Street; Lines 51, 52, and 352 along 7th Street; Lines 66 and 81 along 8th Street, traveling westbound, and 9th Street,

traveling eastbound; and Lines 28 and 728 along Olympic Boulevard. Given the immediate proximity of the Project site to the 7th Street/Metro Center subway station and other transit options, strong transit use is anticipated by residents, guests, visitors and employees of the site.

The Transfer is appropriate at this location since high density mixed-use developments are encouraged in areas that provide a variety of transit options. The Project's convenient location would encourage the use of transit by residents and their guests, employees and visitors. This would reduce the number of single occupancy vehicle trips created by the increase in development intensity due to the transfer of floor area.

The proposed project constitutes an infill development that makes more intensive use of a site which is already well-served by existing infrastructure, including access to robust transportation alternatives. Regional access to the Project Site is provided by the Pasadena/Harbor Freeway (I-110/SR 110), located approximately one half mile to the west; the Hollywood Freeway (US - 101), located approximately 1.2 miles to the north; and the Santa Monica Freeway (I-10) located approximately one mile to the south. These three freeways also provide access to the Golden State/Santa Ana Freeway (I-5) to the north, and the San Bernardino Freeway (I-10) and Pomona Freeway (SR-60) to the east and southeast, respectively. Local access to the Project Site is provided by Olive and Hill Streets. Vehicles will enter an access driveway, which will serve as a shared space between vehicles, pedestrians, and bicycles. The access driveway will provide access to ramps to the subterranean and above-grade parking levels containing 533 vehicle parking spaces to ensure that adequate on-site parking and appropriate ingress and egress would facilitate compatibility with other development in the surrounding neighborhood.

The increase in Floor Area generated by the proposed Transfer will result in a project that is compatible with other existing and proposed developments and the City's supporting infrastructure. The Receiver Site is located in the South Park and Historic Downtown Districts, surrounded by a mix of low- to high-rise buildings. Immediately surrounding the Project site are a surface parking lot, a seven-story parking garage, and a three-story SRO. However, the Receiver Site is in close proximity to high-rise mixed-use buildings like 888 Olive Street (33 stories), 8th and Grand (38 stories), Concerto (6-28 stories), 717 Olympic (26 stories), Evo (24 stories), Luma (19 stories) and Elleven (12 stories).

The proposed Receiver Site is centrally located near frequent transit services, would be compatible with densely developed surroundings, and would be in close proximity to jobs, housing, and a wide range of uses and public services. The intensity and mix of the proposed residential and commercial uses are compatible with the current density and mix of uses in the area, and will contribute to the establishment of a 24-hour community in downtown Los Angeles. The Transfer is appropriate for the long-term development of the Central City because it will enable the Project to include 529,083 square feet of residential and commercial uses in the South Park and Historic Downtown Districts, contributing to the revitalization and modernization of downtown Los Angeles including job creation and increased City tax revenue generation, maintaining the strong image of downtown as the major center of the metropolitan region, and serving as a linkage and catalyst for other downtown development.

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

The project is located in the City Center Redevelopment Project Area, established in May 2002 by the Community Redevelopment Agency of Los Angeles (CRA/LA), which is now a Designated Local Authority. The City Center Redevelopment Plan has the primary objective of eliminating and preventing blight in the Redevelopment Project Area. The project is consistent with the objectives (Section 105) of the City Center Redevelopment Plan as follows:

Objective 1: To eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the Project Area in accordance with this Plan.

The Receiver Site would remove a surface parking lot and construct 522 residential units and 4,500 square feet of retail/commercial space. Further, the Project would eliminate two curb cuts and provide landscape improvements along Olive and Hill Streets. Altogether, these improvements would help to eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the Project Area in accordance with the Redevelopment Plan.

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

The Project would provide a mixed-use development of high density in Downtown close to urban transit and many employment opportunities, furthering the development of Downtown as the major center of the Los Angeles metropolitan region.

Objective 3: To create an environment that will prepare, and allow, the Central City to accept that share of regional growth and development which is appropriate, and which is economically and functionally attracted to it.

The Project provides density appropriate to reinforce the Central City as the center of the Los Angeles metropolitan region. The employment and residential dwelling unit opportunities support a fair share of regional growth and development.

Objective 4: To promote the development and rehabilitation of economic enterprises including retail, commercial, service, sports and entertainment, manufacturing, industrial and hospitality uses that are intended to provide employment and improve the Project Area's tax base.

The Project furthers the development and rehabilitation of economic enterprises in Downtown. It will provide retail and commercial opportunities. The new residents will shop, eat, entertain and work at local business establishments and will enhance employment opportunities and the area's tax base.

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

The Project site consists of a surface parking lot that would be replaced with a vibrant mixed-use development that will activate the streetscape and provide new residents to shop, eat and work at various neighborhood establishments.

Objective 6: To create a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing.

The Project Site would provide 522 residential units and 4,500 square feet of new commercial uses and would further a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses in close proximity to existing transit, entertainment and commercial uses.

Objective 7: To create a symbol of pride and identity which gives the Central City a strong image as the major center of the Los Angeles region.

The Project provides density appropriate for the Central City and helps to reinforce Downtown as the major center of the Los Angeles region.

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

The Project is within approximately a quarter mile of the Metro Red, Purple, Blue and Expo lines and in close proximity to a significant number of bus lines. The Project's proximity to mass transit, as well as easy freeway and major highway access helps to facilitate and encourage the development of an integrated transportation system which will allow for the efficient movement of people and goods into, through and out of the Central City.

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

The Project proposes wide sidewalks with street trees, as well as usable open space in the highly developed urban environment of Downtown Los Angeles. The Project provides private and common open space and will create circulation through the ground floor, connecting the frontages along Olive and Hill Streets. Altogether, these improvements will aid in the creation of a cohesive social fabric.

Objective 10: To develop and implement public art into the urban fabric, integrating art into both public and private developments.

The Project would greatly enhance the interface between the public and private realm through design, materials, colors and street improvements that would enhance the urban fabric.

Objective 11: To preserve key landmarks which highlight the history and unique character of the City, blending old and new in an aesthetic realization of change or growth with distinction, and facilitating the adaptive reuse of structures of architectural, historic or cultural merit.

There are no key landmarks nor any structures on-site of architectural, historic or cultural merit that could be adaptively reused. The project will provide new, modern architecture in proximity to historic landmarks in a way that is differentiated by utilizing modern materials but compatible but keeping a consistent street wall and cornice line.

Objective 12: To provide a full range of employment opportunities for persons of all income levels.

In addition to temporary construction opportunities for skilled trades, the Project Site would provide 4,500 square feet of new commercial that would provide job opportunities for the local community.

Objective 13: To provide high and medium density housing close to employment and available to all ethnic, social and economic groups, and to make an appropriate share of the City's low- and moderate-income housing available to residents of the area.

Without any public subsidy, the Project Site would provide 522 residential units close to employment and available to all ethnic, social and economic groups. As many of the units would be smaller in size than typical suburban type of developments, and a range of studio to three bedroom units will be offered, the Project would provide housing opportunities for a wide and diverse array of income groups.

Objective 14: To provide the public and social services and facilities necessary to address the needs of the various social, medical and economic problems of Central City residents and to minimize the overconcentration or exclusive concentration of such services within the Project Area.

The Project is supportive of the City, County and State addressing the needs of the various social, medical and economic problems of Central City residents. To this end, the Project will directly provide as part of the public benefit payment to certain recipients in the local community of the Central City area. Furthermore, the increase in property and sales taxes will benefit the local and greater community such that additional funds would be available to address the needs of the local community.

Objective 15: To establish an atmosphere of cooperation among residents, workers, developers, business, special interest groups and public agencies in the implementation of this Plan.

The Project has been reviewed by the Downtown Los Angeles Neighborhood Council (DLANC). DLANC submitted a letter of support for the Project that was dated April 8, 2014. Through the environmental and entitlement review process, the Project proponents have worked to further an atmosphere of cooperation among various interest groups in the Downtown area, and the applicant has lined all but two levels of the parking podium along Hill Street with residential uses, in response to DLANC's recommendation to provide active uses on podium levels. In addition, Section 508.3 South Park Development Area, of the Redevelopment Plan states that the South Park Development Area is to achieve a mixed-use live/work community, consisting of a housing-commerce community featuring open space. As indicated in this section, a major share of land use shall be devoted to housing. The identified appropriate land uses on private land includes service establishments, retail/wholesale stores, high and medium density housing where compatible with existing and proposed development. The project's proposed commercial uses and high-density housing will be consistent with the vision of the South Park Development Area in Section 508.3 to achieve a mixed-use live/work community. Based on the above, the project would be consistent with the objectives of the City Center Redevelopment Plan.

- C. *The Transfer serves the public interest by complying with the requirements of Section 14.5.9 of this Code.*

As part of the Transfer Plan, a Public Benefit Payment is required and must serve a public purpose, such as: providing for affordable housing; public open space; historic preservation; recreational; cultural; community and public facilities; job training and outreach programs; affordable child care; streetscape improvements; public arts programs; homeless services programs; or public transportation improvements. The Transfer serves the public interest by facilitating a project that will contribute to the sustained economic vitality of the Central City, and by contributing a total Public Benefit Payment of \$2,538,638 (based on a formula that includes the Transfer of 289,557 square feet) and a TFAR Transfer Payment of \$1,334,640 (based on the Transfer of 266,928 square feet from the Convention Center multiplied by \$5.00), in accordance with the TFAR Ordinance No. 181,574. The Public Benefit Payment consists of a 50 percent cash payment of \$1,269,319 to the Public Benefit Payment Trust Fund, and 50 percent public benefits that are directly provided.

Public Benefit Payment	
50% Public Benefit Cash Payment	\$1,269,319
50% Public Benefit Direct Provision	\$1,269,319
Public Benefit Payment Total	\$2,538,638

The Applicant has proposed to directly provide public benefits by providing monies to proposed recipients, Los Angeles Streetcar, Inc (LASI), Pershing Square Renew, the City of Los Angeles Bureau of Engineering, and the Los Angeles Neighborhood Initiative (LANI) in the amounts shown below, which totals 50 percent or \$1,269,319 of the Public Benefit Payment.

Direct Provision of Public Benefits		
Recipient	Percentage	Total
Los Angeles Streetcar, Inc	35.125%	\$445,848
City of LA Bureau of Engineering – Broadway Streetscape Master Plan	35.125%	\$445,848
Pershing Square Renew	23.425%	\$297,338
Los Angeles Neighborhood Initiative - Downtown Way Finding Signage	6.325%	\$80,284
Direct Provision Total	100%	\$1,269,319

Los Angeles Streetcar, Inc

The Applicant has proposed to directly provide public benefits in the amount of \$445,848 to the Los Angeles Streetcar, Inc (LASI). The funds would be utilized for planning, design, engineering, construction, advocacy and administration of the Downtown LA Streetcar project.

City of Los Angeles Bureau of Engineering

Broadway Streetscape Master Plan

The Applicant has proposed to directly provide public benefits in the amount of \$445,848 to the City of Los Angeles Bureau of Engineering for the build out of the Broadway Streetscape Master Plan, which covers an area along Broadway between First and Eleventh Streets. The funds would be utilized for the construction funding for Phase 2 of the Broadway Streetscape Master Plan.

Pershing Square Renew

The Applicant has proposed to directly provide public benefits in the amount of \$297,338 to Pershing Square Renew. The funds would be utilized for planning, design, and improvements of the Pershing Square Park and associated garage.

Los Angeles Neighborhood Initiative (LANI)

Downtown Way Finding Signage

The Applicant has proposed to directly provide public benefits in the amount of \$80,284 to Los Angeles Neighborhood Initiative (LANI). The funds would be utilized for the design and implementation of an updated downtown way finding system to link downtown neighborhoods and to assist pedestrians with navigation.

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

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

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

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

Objective 1-2: To increase the range of housing choices available to Downtown employees and residents.

The TFAR would facilitate development of a mix of uses, including market-rate housing, and is centrally located in a transit-rich area, which would allow residents to easily access their residences and connect them to their jobs Downtown or throughout the City.

Objective 1-1: To promote development of residential units in South Park.

Policy 1-1.1: Maintain zoning standards that clearly promote housing and limit ancillary commercial to that which meets the needs of neighborhoods residents or is compatible with residential uses.

Policy 1-1.2: To increase the range of housing choices available to Downtown employees and residents.

Policy 1-1.3: To foster residential development which can accommodate a full range of incomes.

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

Policy 2-1.2: To maintain a safe, clean, attractive and lively environment.

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

Policy 2-2.1: Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses.

Policy 2-2.3: Support the growth of neighborhoods with small, local retail services.

The proposed Transfer would increase the redevelopment potential of the Receiver Site by facilitating a dense mixed-use development that reinforces and enhances the existing South Park and Historic Downtown Districts, which currently accommodates a broad range of uses and job opportunities and attractions. The Project would include 4,500 square feet of retail/commercial space on the ground floor that would provide job opportunities. Additionally, the new retail/commercial space would enhance the existing retail base in the area and support the needs of office workers, residents, and visitors. Furthermore, the retail/commercial space would attract visitors who would contribute to the existing and proposed retail base and would be able to easily access the nearby tourist and convention sites through the use of existing robust public transportation infrastructure. The ground-level commercial uses and pedestrian-oriented design will activate the street frontages and contribute to lively environment.

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.

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.

As stated previously, the proposed Transfer will help support an active, 24-hour community downtown by enabling the Project to provide a dense mix of complementary uses that serve workers, residents, and visitors around the clock. The Receiver Site is well situated to accommodate increased density due to its transit-oriented location and surrounding built-up context. The Project utilizes the Transfer of Floor Area provision of the Municipal Code to achieve a floor area ratio of 10.6:1, which would take an

underutilized site that contains a surface parking lot and convert it into a mixed-use development that serves a variety of goals and objectives in the Central City.

Objective 11-1: To keep downtown as the focal point of the regional mobility system accommodating internal access and mobility needs as well.

Objective 11-3: To provide an internal circulation system with a focus of connecting specific pairs of activity centers to a system that provides greater geographic coverage of Downtown, thus giving the Downtown traveler more choices and more flexibility.

Objective 11-4: To take advantage of the district's easy access to two mass transit rail lines, the freeway system, and major boulevards that connect Downtown to the region.

Internal Circulation System Policy: Increase pedestrian orientation in the district.

Objective 11-6: To accommodate pedestrian open space and usage in Central City. (Page IV-8)

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.

Urban Design Objective: To develop a street hierarchy to serve transit, traffic, pedestrian, open space, and truck access needs in a coordinated manner.

Urban Design Objective: To provide an extensive, well-formed and well-maintained pedestrian network.

As highlighted above, the Transfer would result in a Project that includes enhanced streetscape improvements for the benefit of Downtown residents, workers, and visitors. The Project would enhance the pedestrian environment by providing 17- and 18-foot sidewalks, landscaping and street trees along street frontages. The proposed building arrangement emphasizes a street wall with facades designed to promote pedestrian interest along primary street frontages and pedestrian sidewalks. The ground floor retail/commercial space would also contribute to lively, pedestrian-oriented streets. The Project is also ideally located for pedestrian access given its proximity to the 7th Street/Metro Center subway station and its location at the crossroads of numerous major transit routes.

The Community Plan also incorporates the urban design criteria described in the Downtown Design Guide. Pages 6-7 of the Design Guide outline "Design Principles for Creating a Livable Downtown," including the following:

"Employment Opportunities. Maintain and enhance the concentration of jobs, in both the public and private sectors, that provides the foundation of a sustainable Downtown."

"Housing Choices. Provide a range of housing types and price level that offer a full range of choices, including home ownership, and bring people of diverse ages, ethnicities, household sizes and incomes into daily interaction."

"Transportation Choices. Enable people to move around easily on foot, by bicycle, transit, and auto. Accommodate cars but fewer than in the suburbs and allow people to live easily without one."

"Recognize individual projects are the 'building blocks' of great streets and neighborhoods. This requires particular attention to the way the building meets the sidewalk, providing a transition to pedestrian scale and elements that activate the street."

"Respect historically significant districts and buildings, including massing and scale, and neighborhood context, while at the same time, encouraging innovative architectural design that expresses the identity of contemporary Los Angeles."

"Accommodate vehicular access and parking in a way that respects pedestrians and public spaces and contributes to the quality of the neighborhood."

"Express an underlying design philosophy (a 'big idea') that is articulated and supported by all aspects of building design and initially conveyed through design sketches, drawings, and specifications."

"Sustainability is the overarching goal of the Design Guide and essential to the concept of a livable Downtown."

The proposed Project is planned so as to fulfill each of these important design principles, by: providing employment opportunities within the ground floor commercial/retail space and existing office space; providing housing choices that will serve a diverse population of downtown residents; utilizing proper site design that orients the building to create a pedestrian friendly environment along adjacent sidewalks while at the same time minimizing vehicle and pedestrian conflicts by creating a shared access driveway with upgraded paving and landscaping for pedestrian, bicycle and vehicular ingress and egress; and by locating high-density residential development in a transit-rich area.

- 3. Master Conditional Use Permit** – Pursuant to Section 12.24 W.1 of the Municipal Code, the Applicant requests a Master Conditional Use Permit for the sale of a full-line of alcoholic beverages for on-site consumption within up to three premises for approximately 4,500 square feet.
- A. *The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.*

Section 12.24.W.1 of the LAMC allows a Conditional Use permit to be granted for the sale and dispensing of alcoholic beverages in the City's commercial and industrial zones. The proposed mixed-use development will consist of a residential tower with 522 residential units and 4,500 square feet of ground floor retail and restaurants. The Applicant is seeking a Master Conditional Use Permit ("CUB") for the Project Site in order to provide the ability to serve alcoholic beverages for on-site consumption. Although the Applicant has yet to secure tenants, the request is for three (3) restaurants which dispense a full line of alcoholic beverages.

The proposed project would be located on property classified in the [Q]R5-4D Zone, which allow restaurant and retail uses as a matter of right. The Project is located in a High Density Residential area at the edges of the South Park neighborhood and Historic

Downtown, in a highly urbanized setting with a diverse mix of residential, commercial, and entertainment uses. The Central City Community Plan recognizes the neighborhood to be a mixed-use community with a significant concentration of housing. This residential community includes the proximate siting of auxiliary support services such as retail and commercial developments that provide employment opportunities for area residents. Towards that end, and in the interest of creating a linkage between jobs and housing, the Community Plan encourages the development of substantial, community benefitting commercial projects. The service of alcoholic beverages in such settings has come to be accepted as a normal and desirable complement to food service in quality restaurants and component of quality retail and specialty retail establishments.

Since alcoholic beverage service is a common amenity with meal service, and an expected amenity for many patrons, approval of the alcohol sales for the project will be desirable to the public convenience and welfare. The project will provide increased opportunities in quality food, and may serve as a central meeting point for the neighborhood. The proposed mixed-use project is in close proximity to major public transit, and the project will provide ground level retail and restaurant uses to further a vibrant street life and entertainment area within a redeveloped, safe, and secure environment. Therefore, public convenience and welfare will be served by providing alcohol sales within a carefully controlled, mixed-use development and appropriate security measures will be taken. Securing a Master Conditional Use Permit for the project is an appropriate way to help further the goals of the Community Plan. The proposed project will enhance the built environment in the surrounding neighborhood and provide a service that is beneficial to the community, city and region.

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

The proposed mixed-use development will consist of a residential tower with 522 residential units and 4,500 square feet of ground floor retail and restaurants. The Applicant is seeking a Master Conditional Use Permit ("CUB") for the Project Site in order to provide the ability to serve alcoholic beverages for on-site consumption. Although the Applicant has yet to secure tenants, they are requesting three (3) restaurants which dispense a full line of alcoholic beverages. Located within an area designated for High Density Residential land uses in the Central City Community Plan, the Project Site is within the [Q]R5-4D zone and is permitted to be developed with residential and commercial uses.

The Project is located approximately one-quarter mile from the 7th Street/Metro Center Station, which is served by the Metro Red, Purple, Blue and Expo lines. The site is surrounded on the west and south by [Q]R5-4D zoned properties that are developed with surface parking lots and the South Park Hotel, a three-story SRO building. It is surrounded on the north and east by C5-4D zoned properties that are developed with the Broadway Trade Center and a seven-story parking structure.

Approving the proposed Master CUB for the proposed project's three restaurants will not adversely affect the welfare of the community. The establishments serving the alcoholic beverages will be carefully controlled and will be compatible with surrounding uses which comprise mixed-use residential buildings, commercial buildings, and retail. The site is just one block away from the Broadway Theater District, a National Historic District with a large concentration of still functioning movie palaces and theaters. The proposed project will provide a place for residents and visitors to eat, drink, socialize and

shop. The sale of alcoholic beverages is a normal part of restaurant operations and an expected amenity.

A number of Conditions of Approval are included to ensure that the establishment will not adversely affect or further degrade the surrounding neighborhood, or the public health, welfare and safety. As new tenants are identified for the retail and restaurant spaces, each individual establishment will be required to apply for a Plan Approval. Security plans, floor plans, seating limitations and other recommended conditions, as well as the mode and character of each individual operation, will be addressed and enforced through the imposition of specific conditions. This will allow for further evaluation and continuous monitoring ensuring that the individual restaurants will not adversely affect the welfare of the community.

Approval of the Master Conditional Use Permit will contribute to the success and vitality of the mixed use development and help reinvigorate the site and vicinity. While there are incompatible uses, such as the Grand/Hope Park, Fashion Institute of Design and Merchandising, and the Cathedral De Fe Church within 1,000 feet of the Project, the alcohol sales will be incidental to the food service provided by the project and permitting alcohol sales on the Project Site will not be detrimental to the development of the community. The project will actually result in a positive contribution to the economic welfare of the community by including high-quality retail and restaurant uses. It will also positively benefit the City through generation of additional sales tax revenue, business licenses and other fees, and by providing additional short-term and long-term employment opportunities to area residents.

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

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

The proposed mixed-use development will consist of a residential tower with 522 residential units and 4,500 square feet of ground floor retail and restaurants. The Applicant is seeking a Master Conditional Use Permit ("CUB") for the Project Site in order to provide the ability to serve alcoholic beverages for on-site consumption. Although the Applicant has yet to secure tenants, are requesting three (3) restaurants which dispense a full line of alcoholic beverages.

Alcohol sales at this location will be in harmony with the various elements and objectives of the General Plan. Located within the Central City Community Plan area, the Project Site is designated for High Density Residential land use, with a corresponding zoning classification of R5. Within the Central City Community Plan, the R5 zone allows for the development of residential and commercial uses. Therefore, the proposed alcohol establishments are permitted in the R5 zone with Conditional Use permits, as requested.

The Central City Community Plan recognizes the neighborhood to be a mixed-use community with a significant concentration of housing. This residential community includes the proximate siting of auxiliary support services such as retail and commercial developments that provide employment opportunities for area residents. Towards that end, and in the interest of creating a linkage between jobs and housing, the Community Plan encourages the development of substantial, community benefitting commercial

projects. The proposed Conditional Use will be consistent with a number of specific objectives and programs contained in the Community Plan:

Objective 2-2: To retain the existing retail base in Central City. (page III-5)

Policy 2-2.1: Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses. Program: Actively market Downtown's retail uses to a broad range of shoppers and encourage restaurants and cafes along the street to attract office workers and tourists. (page III-5)

Policy 2-2.3: Support the growth of neighborhoods with small, local retail services. Program: In the residential neighborhoods of South Park and Bunker Hill, the current zone permits certain restricted commercial uses in the residential zones. (page III-6).

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. (page III-6)

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. (page III-7). Program: Prepare a plan to develop Broadway as a night-time entertainment destination.

The request to serve and sell alcohol at the Project Site will be consistent with these objectives and policies through the creation of a mix of retail and restaurant uses that would attract a variety of users and actively promote the area as a key economic center of the community. Alcohol sales are a component of the project's success and its ability to economically enhance the region. In addition, the mixed use development will create synergies with the existing uses in South Park and the Historic Downtown, such as nearby residential towers and the development along the Broadway Theater District. The mix of commercial uses will bring even more pedestrian activity to the area. Most sit-down restaurants in the neighborhood include alcohol on their menus.

The Framework Element of the General Plan encourages development that "accommodate[s] a broad range of uses that serve the needs of adjacent residents, promote[s] neighborhood and community activity...and are...desirable places in which to...work and visit, both in daytime and nighttime." Alcohol consumption can simply offer another option for a wide range of activities on the site and as a leisure pursuit can cultivate community activity.

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

Objective 7.3: Maintain and enhance the existing businesses in the city.

Objective 7.6: Maintain a viable retail base in the city to address changing resident and business shopping needs.

The above objectives seek to concentrate commercial development in existing commercial corridors and in areas that are able to support such development which are

in close proximity to rail and bus transit stations. The construction of a mixed-use development consisting of a residential tower with 522 residential units and 4,500 square feet of ground floor retail and restaurants can help sustain economic growth and maintain a viable retail base in the city, on a site that currently contains surface parking lots. The development of sites and structures integrating housing with commercial uses is encouraged in concert with supporting services, recreational uses, open spaces, and amenities.

Additional Findings for Alcohol Permits.

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

The construction of a mixed-use development consisting of a residential tower with 522 residential units and 4,500 square feet of ground floor retail and restaurants serving alcohol will not adversely affect the economic welfare of the community. The establishment serving alcoholic beverages will be a part of a carefully controlled mixed-use residential development. When tenants are identified for the restaurant space, the establishment will be required to apply for a Plan Approval, as conditioned. Security plans, floor plans, seating limitations, and other recommended conditions, as well as the mode and character of the operation, will be addressed and assured through the imposition of establishment-specific conditions in addition to the conditions required as part of this grant. This will allow for further evaluation and measures to ensure that the establishment will not adversely affect the welfare of the community.

The area surrounding the site is a mix of office, residential buildings and entertainment uses. The request for on-site alcohol sales will be compatible with the surrounding uses, providing a place for residents, guests and visitors, shoppers, and office workers to eat, drink, socialize, and shop, contributing to the continued economic vitality of the neighborhood. Alcoholic beverage service is an expected amenity with meal service for many patrons. Approval of the Conditional Use will contribute to the success and vitality of the proposed Project, and reinvigoration of the site and vicinity. Approval of alcohol sales will increase the availability of desirable dining for patrons. The Project location is easily accessible with transit connections to downtown and greater Los Angeles. Finally, the establishment will benefit the City through the generation of additional sales tax revenue, and business license and other fees, and by providing additional short-term and long-term employment opportunities.

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

The proposed mixed-use development will consist of a residential tower with 522 residential units and 4,500 square feet of ground floor retail and restaurants. The Applicant is seeking a Master Conditional Use Permit ("CUB") for the Project Site in order to provide the ability to serve alcoholic beverages for on-site consumption. Although the Applicant has yet to secure tenants, they are requesting three (3) restaurants which dispense a full line of alcoholic beverages. The proposed project is located in the South Park and Historic Downtown neighborhoods of Central City, which

is recognized as a mixed-use community with a significant concentration of housing. The Community Plan encourages the development of substantial, community benefitting commercial projects. While not technically within the Regional Center Land Use Designation in Central City, the neighborhood serves as a regional destination for business, residents, education, culture and entertainment.

According to the local Department of Alcoholic Beverage Control office, in Census Tract No. 2079.00, within which the project is located, the maximum number of on-site licenses permitted is three, with 27 existing, and a maximum number of off-site licenses permitted is two, with 7 existing. Therefore, the proposed alcohol-serving establishments will result in an overconcentration of alcohol establishments in the area. However, the subject site is within Central City where a concentration of licenses is anticipated given the range and density of uses permitted. The establishment will be located within one self-contained complex and monitored as part of the project's security and operational oversight.

While this may appear to be an overconcentration of licenses due to the raw numbers, it should be pointed out that the ABC criteria do not take into account that this is in within Central City in which restaurants with alcohol service are an expected amenity as part of mixed-use projects containing restaurants. The ABC also recognizes that high activity entertainment, retail, government and commercial centers are supported by a significant visitor/employee population in addition to the resident population base. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. This is reflected in the licensing statistics noted above. Within this urban context, the proposed establishments, permitted to sell and dispense a full line of alcoholic beverages, will be consistent with the character of development in the area. Therefore, it can be reasonably assured that the economic welfare of the community will not be adversely impacted.

A review of the alcohol establishments within 1,000 feet of the Project Site shows that there are 20 establishments. According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 185, which has jurisdiction over the subject property, a total of 533 crimes were reported in 2013, compared to the citywide average of 180 crimes and the high crime reporting district average of 216 crimes for the same period. These numbers are not adjusted to represent crimes per capita. This reporting district is located in the Downtown Center, which is the highest-density center of the City and a hub of employment, government, business, and residential concentration. Therefore, it is expected that the crime statistics will be higher in Downtown Los Angeles.

In 2013, there were 34 Narcotics, 29 Liquor Law, 89 Public Drunkenness, 0 Disturbing the Peace, 23 Disorderly Conduct, and 23 DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

To ensure the project will not create detrimental impacts on the surrounding area, the specific detail of each establishment will be reviewed pursuant to a Plan Approval. This will allow for a comprehensive review of each request with input from each prospective tenant, the LAPD and the LAFD. Security plans, floor plans, seating limitations and other recommended conditions, as well as the mode and character of the operation, will be addressed and assured through the imposition of site-specific conditions. This extra protection will ensure that no adverse impacts could result due to alcohol sales and consumption.

Thus, the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved.

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

The proposed use will not detrimentally affect nearby residentially zoned properties. The proposed project would be located on property classified in the [Q]R5-4D Zone, which allows restaurant and retail uses. The proposed project is located in the South Park and Historic Downtown neighborhoods of Central City which is a High Density Residential Land Use area, recognized as a mixed-use community with a significant concentration of high density housing. The Community Plan encourages the development of substantial, community benefitting commercial projects. While not technically within the Regional Center Land Use Designation in Central City, the South Park and Historic Downtown neighborhoods serve as a regional destination for business, residents, education, culture and entertainment.

While the sale of alcoholic beverages is important to the restaurants or retailers that will be located within the proposed project's tenant spaces, their sale and service will be incidental to primary operations. There are several residentially zoned buildings within a 600-foot radius of the Project Site. The nearest multi-family residential uses would be within the proposed project itself. No detrimental effects should be expected from the proposed project.

Uses within a 600-foot Radius

1. Residential Uses
 - a. Single family – None
 - b. Multi-family – 11
 - c. Hotels – 2
2. Churches
 - a. Cathedral De Fe Church – 703 S Broadway
3. Schools and Child Care Facilities
 - a. Fashion Institute for Design and Manufacturing – 919 S Grand Avenue
4. Recreational Areas – Grand/Hope Park – 919 S Grand Avenue
5. Sensitive uses between 600 ft – 1,000 ft
 - a. Grand/Hope Park – 919 S Grand Avenue
 - b. Fashion Institute for Design and Manufacturing – 919 S Grand Avenue
 - c. Cathedral De Fe Church – 703 S Broadway

The sale of alcoholic beverages is of importance to operators of restaurants to attract and cater to their clientele. The establishment will be part of a high-quality, mixed-use

development and all alcohol service will be within a carefully controlled environment served by responsible operators.

4. **Variance** – Pursuant to Section 12.27 of the Municipal Code, the Applicant requests a Variance from Section 12.21 A.5.(c) to permit compact stalls to be utilized as all required parking, in lieu of a maximum of 40% of compact stalls for non-residential uses, and in lieu of restricting compact stalls for residential uses until a single space is provided and a Variance from Section 12.21 A.16.(a)(6)(e)(2)(iii) to deviate from the location and access standards for long-term bicycle parking.
- A. *The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.*

Compact Parking Spaces

The applicant requests relief from the Zoning Code regulation that restricts the use of compact spaces for residential uses until a single standard space is provided and restricts the use of compact spaces for commercial uses to no more than 40 percent of the required commercial parking.

The proposed Project contains 522 residential dwelling units and 4,500 square feet of new commercial/retail space. The Project will demolish an existing surface parking lot and proposes providing parking for the new residential and commercial uses within the proposed building in two subterranean and five above-grade levels. The Project is taking advantage of a vehicle parking reduction permitted under the Bicycle Parking Ordinance in order to provide 533 residential parking spaces in lieu of the 587 spaces otherwise required. The Project is not required to provide vehicle parking for the 4,500 square feet of commercial space per the Downtown Parking District, which does not require parking for less than 7,500 square feet of commercial use. The Project will provide the code-required number of vehicle parking spaces, without providing excess parking.

The Project is proposed within a high-density, urban area in Downtown Los Angeles. The Project proposes parking to be provided within two subterranean parking levels and five above-grade levels, all within the building footprint. Nonetheless, the parking levels are not large enough to accommodate the minimum circulation requirements and not exceed the maximum number of compact spaces permitted. The Downtown Design Guide limits the number of above-grade parking levels not lined by active uses to no more than three, which the Project accomplishes by lining the above-grade parking levels with residential units on four levels along Olive Street and on two levels along Hill Street. The Project Site is fairly narrow with a street frontage of only 120 feet and the area of the driving aisles and ramps used for circulation account for a significant portion of each floor plate. The LAMC's required ten-inch clear space at all walls and columns, large drive aisle widths, large turning radii and associated clear dimensions take up much of the area of each parking level, leaving a limited amount of space for the parking stalls. In addition to the vehicular circulation, each parking level contains bicycle parking, elevators and stair shafts, as well as equipment rooms. The strict application of the provisions of the zoning ordinance for compact parking spaces would result in practical difficulties and unnecessary hardships inconsistent with the general purpose of the zoning regulations.

Furthermore, the location of the Project Site in close proximity to local and regional rail and bus lines operated by the Los Angeles County MTA, Los Angeles DOT, Amtrak, Foothill Transit, Orange County Transportation Authority and the Big Blue Bus (City of

Santa Monica) provide a wide range of transportation alternatives that will likely reduce the need for parking spaces as well as the need for standard spaces. The general purpose of the parking regulations is to require a particular number and type of parking spaces that would meet the needs of the community and the Project users. However, strict application of the Citywide zoning ordinance for the Project in Downtown would not permit the Project to be developed in as beneficial a manner to the community as is proposed in its current configuration.

Bicycle Parking

The applicant requests relief from the Zoning Code regulation that requires the siting of long-term bicycle parking be located along the shortest walking distance to the nearest pedestrian entrance, or on the level of the parking garage closest to the ground floor and with direct access to a public street.

The applicant would provide the required amount of long-term bicycle parking, but proposes distributing the bicycle parking on the subterranean and above-grade parking levels. The project will provide 525 long-term bicycle parking spaces and 56 short-term bicycle parking spaces. Access to the long-term spaces will be provided via elevators in the residential lobby. The required short-term bicycle spaces will be provided at the ground floor, however with the ground floor commercial spaces, access ramps to subterranean and above-grade parking levels, and shared access driveway, there is little space remaining to provide the 525 long-term, secured bicycle parking spaces.

Given the high-density of the project and the relatively small site, the strict application of the provisions of the zoning ordinance for long-term bicycle parking location would result in practical difficulties and unnecessary hardships inconsistent with the general purpose of the zoning regulations.

- B. *There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply to other properties in the same zone and vicinity.*

Compact Spaces

The Project will provide 533 parking spaces on two subterranean and five above-grade levels. The Project provides the required amount of residential and commercial parking spaces and requests relief only from the type of parking spaces required. The Applicant requests a variance to allow compact parking spaces to be utilized for all LAMC required parking, in lieu of a maximum of 40% of compact stalls for non-residential uses, and in lieu of restricting compact stalls for residential uses until a single space is provided. As conditioned, the project will provide a minimum of 324 standard parking spaces.

There are special circumstances that do not apply to other property in the same zone and vicinity that necessitate permission to provide an increase in compact parking stalls than what is otherwise allowed by the LAMC. The Project Site is relatively small and narrow and is providing residential units on the above-grade levels in order to screen the parking. The site is also constrained by the minimum circulation requirements (drive aisles, turning radii, and associated clear dimensions) that take up a significant amount of each parking level.

The Framework Element designates the Project site within the "Downtown Center" and states the following (Long Range Land Use Diagram – Metro):

"An international center for finance and trade that serves the population of the five county metropolitan region. Downtown is the largest government center in the region and the location for major cultural and entertainment facilities, hotels, professional offices, corporate headquarters, financial institutions, high-rise residential towers, regional transportation facilities and the Convention Center, the Downtown Center is generally characterized by a floor area ration up to 13:1 and high-rise buildings."

Although Downtown Los Angeles is a regional center, and the number of required parking spaces is somewhat reduced, parking stall design requirements are the same for suburban areas of Los Angeles as they are for the South Park and Historic areas of Downtown. Additionally, there are currently more small car vehicle owners than when the parking ratio requirements were adopted in 1982 and the parking stall design requirements were adopted in 1972, both of which are more than three decades old.

As previously stated, the site is located nearby to major transit infrastructure. Accordingly, the location of the project near these numerous transit options reduces the need for on-site parking facilities and standard parking spaces. Thus, the number of parking facilities proposed for the project, the replacement of the existing office parking, and the project's transit-oriented location, are special circumstances that support the grant of this parking variance request.

Bicycle Parking

The Project is required to provide 525 long-term and 56 short-term bicycle parking spaces. The proposed Project will provide all of the required spaces and would comply with the LAMC siting requirements for the short-term bicycle parking spaces, however the applicant requests a variance from the long-term bicycle parking siting requirements.

There are special circumstances that do not apply to other property in the same zone and vicinity that necessitate permission to provide an increase in compact parking stalls than what is otherwise allowed by the LAMC. The LAMC requires that long-term bicycle parking spaces be located along the shortest walking distance to the nearest pedestrian entrance, or on the level of the parking garage closest to the ground floor and with direct access to a public street. The Project Site is relatively small and narrow and much of the ground floor is devoted to commercial spaces, short term bicycle parking, and an access driveway that will act as a shared space for pedestrians, bicycles and vehicles. This access driveway would improve the circulation for pedestrians and bicyclists; however it results in less space available for long-term bicycle parking at the ground level.

The Project will provide 522 residential units within a high-rise tower. The Project Site is located within the "Downtown Center" land use designation, which promotes density and high-rise developments. Density is appropriate in the South Park and Historic neighborhoods of Downtown, however the relatively small, urban site prohibits the siting of 525 long-term bicycle parking spaces at the ground floor, while also maintaining circulation and providing retail with appropriate depths. The bicycle parking ordinance has the same location requirements for projects throughout all of Los Angeles and does not differentiate between lower density, more suburban neighborhoods and high-density infill sites Downtown. Thus, the Downtown location and the activation of the ground floor with retail, lobbies, and a shared access driveway are special circumstances that support the grant of this long-term bicycle parking siting variance request.

- C. *Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zone and vicinity, but*

which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.

Compact Spaces

There are other nearby mixed-use developments which have been granted an approval to provide less than the required parking and to provide less than the required standard size parking spaces. The "Evo" building is a 24-story, high-rise mixed-use development located at the northwest corner of 12th Street and Grand Avenue. The Evo building includes a total of 311 Joint Live Work condominium units and 6,620 square feet of retail uses. On July 13, 2005, a variance request to reduce the required one standard parking space per unit was approved under Case No. ZA-2005-1867-ZV-CU-YV. Of the 311 units, a total of 26 units were allowed to have one compact parking space per unit in lieu of the required minimum one standard parking space per unit.

Another similar project is the Fashion Institute of Design and Merchandising (FIDM) residential project, a proposed 21-story high-rise mixed-use development located at the northwest corner of Flower Street and Olympic Boulevard. The FIDM residential building includes a total of 112 apartment units for students and 90,000 square feet of non-residential educational space. On June 27, 2008, a variance request to reduce the required one standard space per unit was approved under Case No. ZA-2005-2948-ZV-ZAA-SPR. Of the 112 residential units, a total of 63 units were allowed to have a compact space per unit in lieu of the minimum one standard space per unit. The FIDM building is located two blocks north of the subject site. Similarly, in Case No. ZA-2008-4718-ZV-SPR, a variance was granted for the Glass Tower mixed use development to allow 39 of the proposed 151 dwelling units to have one compact parking space per unit in lieu of the minimum one standard parking space per unit. Therefore, such a variance request is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity for the development of a similar mixed-use building in Downtown.

Furthermore, the variance is necessary for the preservation and enjoyment of substantial property rights and uses not generally possessed by other properties in the same zone and vicinity, but which, because of special circumstances and practical difficulties or unnecessary hardships, are denied for the site. The Project Site is relatively small and narrow and is lining most of the above-grade parking levels with residential to provide active uses along the street frontage. The project will provide the required number of vehicle and bicycle parking spaces, will satisfy all circulation requirements, and will satisfy the Downtown Design Guide by lining all parking levels along Olive Street, and all but two levels along Hill Street with active uses. By doing so the site is burdened in ways that the surrounding properties are not.

One goal of the project is to transform the site from its existing use to a modern, mixed-use development that is consistent with the Central City Community Plan. The project will establish a level of design continuity and consistency for the entire development site. Granting the requested parking variance facilitates the development of a transit-oriented project on currently underutilized surface parking lots in an area targeted for redevelopment.

Bicycle Parking

The Bicycle Parking Ordinance (Ordinance No. 182,386) became effective on March 13, 2013 and contains requirements for short- and long-term bicycle parking for all new construction. The number of bicycle parking spaces required and the location of such

spaces are the same for all projects, regardless of location, density, or lot size. There are other mixed-use projects that have also requested relief from siting requirements. On July 11, 2014 a variance request to locate long-term bicycle parking in the subterranean and above-grade parking levels was approved under Case No. ZA-2013-4157-ZV-TDR-SPR (and upheld upon appeal of the entire case on August 27, 2014) for a 28-story mixed-use building at 1133 South Hope Street. Similar variances have also been filed for projects at 955 South Broadway under Case No. CPC-2014-2947-TDR-ZV-CDO-SPR, 811 South Francisco Street under Case No. ZA-2014-2221-ZV-SPR and at 800 South Harvard Boulevard under Case No. ZA-2013-3372-CU-ZV-SPR, however determinations have not yet been issued for these projects.

The variance is necessary for the preservation and enjoyment of substantial property rights and uses not generally possessed by other properties in the same zone and vicinity, but which, because of special circumstances and practical difficulties or unnecessary hardships, are denied for the site. As noted above, the Downtown location, ground level commercial/retail space and ground level access driveway with improved pedestrian and bicycle circulation create hardships that would not apply to other properties. The project will provide a total of 581 bicycle parking spaces, and the long-term spaces that require the variance will be located so as to have convenient access from an elevator.

- D. *The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

Compact Spaces

Granting such parking variances will not be detrimental to the public welfare or injurious to the property in the same vicinity. The project will improve existing site conditions and enhance the public welfare and surrounding neighborhood. It will create a mixed-use contemporary building that consists of newly constructed housing, neighborhood-oriented retail on the ground floor, and parking facilities for these uses. The project proposes the construction of 522 residential units and 4,500 square feet of commercial/retail space. An onsite subterranean parking structure with additional above-grade enclosed parking will be constructed for the building: The Project will provide 533 vehicle parking spaces. This type of development will not be injurious or damaging to the site or other properties in the vicinity. While the grant of the variance will not be materially detrimental to the public welfare or injurious to other properties, its denial could result in detrimental effects on the property in the vicinity because the existing surface parking lots will remain under-utilized parcels of land. The granting of this variance will contribute to the public welfare.

Additionally, the granting of such variances will not be materially detrimental to the public welfare in that the Project is located in a high-density, mixed-use urban area of the South Park and Historic Downtown Districts of Downtown Los Angeles, and properties surrounding and nearby the subject site are developed in similar scale and scope as the Project. The Project is also compatible with the following residential developments that have been recently completed:

- Elleven (1111 South Grand Avenue): 176 Joint Live Work condominiums with ground level retail
- Luma (1100 South Hope Street): 236 Joint Live Work condominium units with ground level retail

- Evo (1155 South Grand Avenue): 311 Joint Live Work condominiums with ground level retail
- Metropolitan Lofts (1050 South Flower Street): 274 multi-family apartments
- Grand Avenue Lofts (1100 South Grand Avenue): 66 joint Live Work condominiums in an Adaptive Reuse building
- 717 Olympic (717 West Olympic Boulevard): 156 residential units and ground level retail
- Concerto (9th and Figueroa): Three mixed-use buildings with 629 live/work condominiums in one 6-story building and two-28-story buildings.

Bicycle Parking

Granting such bicycle parking siting variances will not be detrimental to the public welfare or injurious to the property in the same vicinity. The project will improve existing site conditions and enhance the public welfare and surrounding neighborhood. It will create a mixed-use contemporary building that consists of newly constructed housing, neighborhood-oriented retail on the ground floor, and parking facilities for these uses. The project proposes the construction of 522 residential units and 4,500 square feet of commercial/retail space. An onsite subterranean parking structure with additional above-grade enclosed parking will be incorporated into the building:

The Project will provide 525 long-term and 56 short-term bicycle parking spaces for a total of 581 bicycle parking space. Of the 525 long-term spaces, three would be reserved for the commercial/retail uses and 522 would be reserved for residential tenants and the applicant proposes distributing the long-term spaces amongst the two subterranean and five above-grade levels utilized for vehicular parking. The high density of the proposed Project and relatively small, urban site with ground floor commercial spaces restricts the ability to meet the siting requirements for long-term bicycle parking. The LAMC requires long-term bicycle parking to be located along the shortest walking distance to the nearest pedestrian entrance, or located on a level of the parking garage closest to the ground floor and with direct access to a public street. A similar variance has been granted at 1133 South Hope Street and similar variances have also been filed for proposed projects at 955 South Broadway, 811 South Francisco Street and 800 South Harvard Boulevard, however determinations have not yet been issued for these projects.

This type of development will not be injurious or damaging to the site or other properties in the vicinity. While the grant of the variance will not be materially detrimental to the public welfare or injurious to other properties, its denial could result in detrimental effects on the property in the vicinity because the existing surface parking lots will remain under-utilized parcels of land. The granting of this variance will contribute to the public welfare.

E. The granting of the variance will not adversely affect any element of the General Plan.

Compact Spaces

The proposed Project will include the construction of a mixed-use commercial and residential building with 522 residential units and 4,500 square feet of ground floor commercial/retail space. The Project will provide 533 vehicle parking spaces in two subterranean and five above-grade levels. The Project proposes a 50-story tower with a height of 636 feet. The 4,500 square feet of commercial tenant spaces would be located at the ground floor, with pedestrian access points on Olive Street and Hill Street. The

Project proposes providing all required vehicle parking spaces as compact spaces, thus requiring a variance.

The parking variance will not adversely affect any element of the General Plan or Central City Community Plan, part of the Land Use Element. As described above, in the findings for the Transfer of Floor Area and Site Plan Review, the General Plan, the Framework Element, the Housing Element, and the Central City Community Plan all encourage mixed-use projects with housing and pedestrian-oriented commercial uses along major transit corridors. As a result, this project adheres to the various policies of these documents through the redevelopment of existing, underutilized surface parking lots into a new high-rise mixed-use residential and commercial building in a transit-rich area.

The Project Site is currently underdeveloped with a surface parking lot. The project will include a variety of retail, commercial, and housing opportunities. This project will achieve the Central City Community Plan policies relating to the development of new housing and job opportunities near a major transit hub.

The project has been designed and conditioned to enhance the pedestrian environment along Olive and Hill Streets, especially relating to pedestrian orientation. This project, including its proposed parking facilities will further the enhancement of this site.

Bicycle Parking

The bicycle parking variance will not adversely affect any element of the General Plan or Central City Community Plan, part of the Land Use Element. As described above, in the findings for the Transfer of Floor Area and Site Plan Review, the General Plan, the Framework Element, the Housing Element, and the Central City Community Plan all encourage mixed-use projects with housing and pedestrian-oriented commercial uses along major transit corridors. As a result, this project adheres to the various policies of these documents through the redevelopment of existing, underutilized surface parking lots into a new high-rise mixed-use residential and commercial building near high-capacity transit, while still providing secure bicycle parking for all residents.

The Project Site is currently underdeveloped with surface parking lots. The project will include a variety of retail, commercial, and housing opportunities. This project will achieve the Central City Community Plan policies relating to the development of new housing and job opportunities near a major transit hub.

The project has been designed and conditioned to enhance the pedestrian environment along Olive and Hill Streets, especially relating to pedestrian orientation. This project, including its proposed bicycle parking facilities will further the enhancement of this site.

5. **Variance** – Pursuant to Section 12.27 of the Municipal Code, the Applicant requests a Variance from Section 12.21 G.2 to permit a reduction in the amount of required open to be provided on site.
 - A. *The strict application of the provisions of the zoning ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.*

Strict application of the provisions of open space requirements in LAMC Section 12.21 G.2 (Ordinance No. 171,753) to provide the required amount of usable open space per dwelling unit would not result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations. The variance for

reduced open space of 9% is denied without prejudice; instead a Director's Decision for reduced open space of 9% is approved.

The proposed project is located within the Greater Downtown Housing Incentive Area (Ordinance No. 179,076), which encourages residential development within the Downtown area through the use of modified LAMC Sections for density, yards, buildable area, open space, and allows for a floor area bonus system for projects that voluntarily provide a prescribed percentage of units for affordable housing. These modified standards are suitable for dense urban areas like the Central City Community Plan area, while at the same time providing incentives to produce new housing in the Downtown area. Pursuant to the Greater Downtown Housing Incentive Area (Ordinance 179,076) and LAMC Section 12.22 C.3(d), the proposed project will utilize the open space incentive that there shall be no prescribed percentage of the required open space that must be provided as either common open space or private open space. Although the Greater Downtown Housing Incentive Area (Ordinance No. 179,076) eliminated the required percentages of private and common open space, the total per unit open space requirement shall still be provided. Additionally, when projects provide private open space, only the first 50 square feet can count toward the total open space amount.

Below is a table that shows the amount of open space required and provided. The project proposes to provide 53,896 square feet of open space, a 9 percent reduction from the required amount of 59,325 square feet.

Open Space	
Required	Proposed
59,325 SF	53,896 SF

The zoning ordinance requires 100 square feet of open space for units with less than three habitable rooms, 125 square feet of open space for units with three habitable rooms and 175 square feet of open space for units with more than three habitable rooms generating the need to provide 59,325 square feet of open space for the project. The project will provide common open space at the ground floor in an indoor common room of 1,975 square feet that as conditioned will be reduced in size in order to accommodate additional retail space, a 6th floor Roof Deck that includes a pool, dog run, open lawn, and lounge for a total of 18,390 square feet of open space, a 6th floor indoor/outdoor flex space of 4,700 square feet, and an indoor fitness center of 3,671 square feet.

The proposed open space is provided in the following configuration:

Provided open space	
Ground Floor Common Room	1,975 SF
6 th Floor Roof Deck	18,390 SF
6 th Floor Indoor/Outdoor Flex Space	4,700 SF
6 th Floor Indoor Amenity Space	3,671 SF

Private open space Balconies	25,250 SF
Open Space Total	53,986 SF
Total Landscaped Area	6,110 SF

The LAMC Section 12.21 G.3 allows for a 10% reduction in required open space through a Director's Decision, as long as the provided open space conforms to the objectives of the LAMC and that the proposed project complies with the total usable open space requirements in terms of size, area and design. As this project is requesting a 9% reduction in the required open space of 59,325 square feet, it qualifies for the Director's Decision of an up to 10% open space reduction. Therefore, the strict application of zoning regulations do not present a hardship or practical difficulty to the project. The requested variance is denied without prejudice and instead a Director's Decision for a 9% open space reduction is approved.

- B. There are NO special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply to other properties in the same zone and vicinity.*

The variance for reduced open space of 9% is denied without prejudice; instead a Director's Decision for reduced open space of 9% is approved. The project proposes to provide 53,896 square feet of open space, a 9% reduction from the required amount of 59,325 square feet. The LAMC Section 12.21 G.3 allows for a 10% reduction in required open space through a Director's Decision, as long as the provided open space conforms to the objectives of the LAMC and that the proposed project complies with the total usable open space requirements in terms of size, area and design. As this project is requesting a 9% reduction in the required open space of 59,325 square feet, it qualifies for the Director's Decision of an up to 10% open space reduction. There are no special circumstances applicable to this project which would preclude it from utilizing LAMC Section 12.21 G.3 to request an up to 10% reduction in open space via a Director's Decision. Therefore, the variance request is denied without prejudice and a Director's Decision for a 9% open space reduction is approved.

- C. Such variance is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.*

The variance for reduced open space of 9% is denied without prejudice; instead a Director's Decision for reduced open space of 9% is approved. The project proposes to provide 53,896 square feet of open space, a 9% reduction from the required amount of 59,325 square feet. The LAMC Section 12.21 G.3 allows for a 10% reduction in required open space through a Director's Decision, as long as the provided open space conforms to the objectives of the LAMC and that the proposed project complies with the total usable open space requirements in terms of size, area and design. As this project is requesting a 9% reduction in the required open space of 59,325 square feet, it qualifies for the Director's Decision of an up to 10% open space reduction.

The subject site is located in the South Park and Historic District of Downtown, an urban area planned for high density uses. The project is proposing 522 residential units in a 50 story, 636-foot tall high rise. The project proposes to utilize the TFAR ordinance to

develop at an FAR of 10.6:1 instead of the 6:1 FAR allowed by right. The by-right FAR of 6:1 applies to this project and other properties in the same zone and vicinity, which are also able to request additional floor area through the TFAR ordinance. LAMC Section 12.21 G.3, which allows for a request for an up to 10% reduction in open space, is available to the subject property as well as other adjacent properties. Therefore, the requested variance for a 9% reduction is not necessary for the preservation of a substantial property right and is denied without prejudice. A Director's Decision for a 9% reduction is approved.

- D. The granting of such variance WILL be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

The project is proposing to develop 522 residential units in a 50 story, 636-foot tall high rise building. The project proposes to utilize the TFAR ordinance to develop at an FAR of 10.6:1 instead of the 6:1 FAR allowed by right. The additional floor area allows for a larger project and more residential units, which in turn requires more open space. The project proposes to provide 53,896 square feet of open space, a 9% reduction from the required amount of 59,325 square feet. The LAMC Section 12.21 G.3 allows for a 10% reduction in required open space through a Director's Decision, provided that the provided open space conforms to the objectives of the LAMC and that the proposed project complies with the total usable open space requirements in terms of size, area and design. As this project is requesting a 9% reduction in the required open space of 59,325 square feet, it qualifies for the Director's Decision of an up to 10% open space reduction. Granting the requested variance will be detrimental to the public welfare. Therefore, a Director's Decision for a 9% reduction in open space is approved.

- E. The granting of the variance WILL adversely affect any element of the General Plan.*

The General Plan will be adversely affected by the granting of the variance and therefore it is denied without prejudice. A Director's Decision for a 9% reduction in open space is approved.

Central City Community Plan and Downtown Design Guide

The Downtown Design Guide was adopted as part of the Central City Community Plan. The variance request for a 9% reduction in open space is not consistent with the following Central City Community Plan and Downtown Design Guide open space objectives and requirements:

Central City Community Plan

Objective 4-1: To encourage the expansion and additions of open spaces as opportunities arise.

Downtown Design Guide

Section 7.4 - Site landscaping and residential open space shall be provided as required by Section 12.21.G. of the Zoning Code,

Section 7 - Roof Terraces. Roof terraces and gardens can augment open space and are especially encouraged in conjunction with hotels or residential uses.

Open Space Element

The Open Space Element of the General Plan provides a guide for open space preservation, conservation and acquisition. The variance request for a 9% reduction in open space is not consistent with the following Open Space Element objective:

Objective: Private development should be encouraged to provide ample landscaped spaces, malls, fountains, rooftop green areas and other aesthetic features which emphasize open space values through incentive zoning practices or other practicable means.

The requested variance is in conflict with the Central City Community Plan. The granting of the variance will have adverse effects on elements of the General Plan. However, the approval of a Director's Decision for a 9% reduction of open space is allowed as long as the provided open space conforms to the objectives of the LAMC and that the proposed project complies with the total usable open space requirements in terms of size, area and design. Therefore, the variance is denied without prejudice.

6. Variance – Pursuant to Section 12.27 of the Municipal Code, the Applicant requests a Variance from Section 12.21 G.2 to permit a reduction in the amount of required trees to be provided on site.

A. *The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.*

Strict application of the provisions of open space requirements in LAMC Section 12.21 G.2 (Ordinance No. 171,753) to provide the required amount of on-site trees per dwelling unit would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations. The project has requested a variance to provide 47 trees in lieu of the required 131 trees. The submitted plans show 44 trees on the 6th level and two (2) street trees. The project has been conditioned to add an additional tree in order to provide a minimum of 47 trees on-site. The 47 trees on-site would be African Sumac, Hybrid Palo Verde, Fruitless Olive, Purple Robe Locust, Subporosa Acacia, and Arizona Cypress. At least 50% of the provided trees are canopy trees in conformance with the Downtown Design Guide. Of the 47 trees provided, 2 of those would be located in the sidewalk along the property frontage and are proposed to be Ficus Microcarpa.

In order to provide the otherwise required 131 trees on the Project site, the vast majority of the provided open space area would need to be dedicated to tree planting. While on-site trees and landscaping have many aesthetic and environmental benefits, it is difficult for this Downtown high density project to achieve consistency with the Code provision which was not designed for a high-rise project. The intent of the tree requirement is to add trees for shading, cooling, beauty, noise reduction, and to improve air quality. As conditioned and required in the Downtown Design Guide, the trees that cannot be accommodated on-site are to be planted in locations elsewhere in Central City. Therefore, the project still achieves the intent of the LAMC tree requirements in that the trees will be planted in the vicinity of the project, and will contribute to Central City. As recommended for approval, the Project's proposed number of trees maximizes the area available to the residents to enjoy recreational uses, such as the pools, dog runs, open park areas and lounges. The LAMC tree requirement creates an unnecessary hardship by requiring the Project to reduce units, thereby diminishing the contribution to Community Plan goals in order to achieve a standard design for a different building type.

Like other Downtown projects, past and present, meeting the strict interpretation of the Code's requirement would be impractical and would make the project infeasible. A reduction from the on-site tree requirements is necessary and appropriate in this part of the City as Downtown residents choose to live in the city center because of its high density and proximity to transportation alternatives, cultural and entertainment options. Thus, for the reasons stated above, strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations.

- B. There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply to other properties in the same zone and vicinity.*

The project has requested a variance to provide 47 trees in lieu of the required 131 trees. The site's size, location adjacent to the Expo and Blue lines, and ability to appropriately locate high density housing near transit combine to create a special circumstance not applicable to other property in the same zone or vicinity. The project would accommodate 522 residential units in a jobs-rich environment without displacing existing residential units.

Site Size

The vast majority of the projects in the area have or will occur on substantially smaller development sites. The subject Project Site is approximately 39,921 square feet and is requesting a Transfer of Floor Area to increase the by-right FAR of 6:1 to an FAR of 10.6:1. The project proposes 522 residential units. The Glass Tower project located at 1050 South Grand was entitled for 128 units on a 37,789 square foot lot in the [Q]R5-4D zone. The Hanover project located at 950 South Figueroa Street was entitled for 156 units on a 21,623 square foot lot in the C2-4D zone. The Evo project located at 1155 S. Grand Avenue was entitled for 316 units on a 50,622 square foot lot in the [Q]R5-4D. The project consists of a high rise tower that utilizes a reduced helipad to accommodate a tactical landing pad, which enables the development of several valuable rooftop open spaces. However, as discussed during the public hearing, the project is unable to accommodate trees on these roof decks to design constraints. The large size of the site and the development potential, along with the design constraints barring trees on the roof, creates a special circumstance that does not generally apply to other property in the same zone and vicinity.

High Density Housing

The special circumstance of the site is its ability to locate high-density apartments within walking distance of the Downtown's multitude of jobs and transit without eliminating any existing residential units. By locating the project on the periphery of the Historic Downtown District, the City Markets District, and South Park, the project provides 522 apartments for residents to live within walking distance of their jobs. This project creates an opportunity to enhance the jobs to housing balance in the City of Los Angeles specifically in downtown. The site is located near a series of mass transit alternatives, several major Metro Transit Authority Lines, the DOT Dash Lines, Orange County Bus Lines and the Santa Monica Blue Bus. These transportation lines allow for access to employment centers in all parts of the metropolitan area and help reduce the number of vehicles on the road. This proximity to rail, to a number of bus lines, and to the other neighborhoods in Downtown Los Angeles makes the subject property a prime location for increased density that can be supported by the public transit, jobs, and services in the area.

- C. *Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.*

The project has requested a variance to provide 47 trees in lieu of the required 131 trees. As conditioned, the project would be granted a Director's Decision for a 9% reduction in open space. However, even with 91% of the required on-site open space, the project is still unable to accommodate all the required trees. This is because the project consists of a high rise tower which enables the development of valuable rooftop open spaces. However, as discussed during the public hearing, the project is unable to accommodate trees on the roof due to design constraints. The LAMC requirements for trees were written for more suburban type developments and is not as responsive to the issues facing high-rise urban development.

The large size of the project and the development potential, along with the design constraints barring trees on the rooftop open spaces causes the need for a variance from the total amount of required street trees. The granting of the reduction in trees is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone or vicinity.

- D. *The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

The granting of these variances will permit the construction of a project materially beneficial to the public welfare. The project helps create a critical mass of residents required to create the urban environment envisioned by the City for the Historic District and South Park area. It is utilizing the TFAR ordinance to gain more developable floor area within which to construct 522 residential units. However, it cannot accommodate all 131 required trees per the LAMC, which is based on the number of residential units provided. The Project would create less traffic than many by-right alternatives by locating residents in close proximity to various transportation options. The high quality architectural design includes many sustainable design aspects including housing near transit and employment opportunities which further promotes the public welfare.

Additionally, as conditioned, the trees that are not provided on-site are to be planted elsewhere in Central City by City Plants a public-private partnership with the City of Los Angeles under the Board of Public Works, as provided for in the Downtown Design Guide. The Downtown Design Guidelines provide direction regarding variances from the required number of street trees. The Guidelines indicate that variances from required street trees are not permitted; however, the required trees may be planted off-site if it is determined by the decision maker that they cannot be accommodated on-site. By locating the required trees elsewhere in Central City, the project will actually benefit the public welfare and adjacent properties.

- E. *The granting of the variance will not adversely affect any element of the General Plan.*

The General Plan will not be adversely affected by the granting of these variances. In fact, the Project promotes many of the goals and policies of the General Plan. The following will discuss the Project's consistency with various elements of the General Plan, including the Central City Community Plan and Downtown Design Guide, the Housing Element and the Transportation element.

Central City Community Plan and Downtown Design Guide

The following Central City Community Plan residential land use objectives are consistent with the proposed development:

Objective 1-7: To promote development of residential units in South Park.

Objective 1-2: To increase the range of housing choices available to Downtown employees and residents.

With the development of a total of 522 residential units in a high density area, the proposed project fulfills the primary residential land use objective of the Community Plan, which designates much of the South Park area and Historic District as High Density Residential with corresponding residential zoning. The Community Plan's Policy in support of this objective seeks to "maintain zoning standards that clearly promote housing and limit ancillary commercial to that which meets the needs of neighborhood residents or is compatible with residential uses." A program of this policy seeks to "designate the Land Use for South Park for residential in all future redevelopment plans."

The Central City Community Plan also identifies several significant residential land use issues (page I-13) that are addressed by the Project:

- Create a significant increase in housing for all incomes, particularly of middle income households.
- Lack of sufficient housing investment to achieve a "critical mass" in some underserved areas like South Park.
- Lack of neighborhood-oriented businesses to support residential uses.
- Lack of a strong sense of neighborhood identity.

The project is designed to assist in resolving these many issues. The positioning of the mixed-use residential buildings is designed to allow residents and neighbors to use the retail uses on the ground floor that are also easily accessible to major thoroughfares. Not only will new residents in the project's 522 units have access to the many retail options on the ground floor of each building, the residential population in the area will have more shopping and dining opportunities within easy walking distance. The site plan is designed to achieve a critical mass of residents who can activate the streets and promote the ground floor retail uses. The retail uses on the ground floor will address the lack of neighborhood-oriented businesses, as these retail uses will serve the community, as well as residents. The development of a large vacant parcel of land into housing and retail uses will help to establish a neighborhood identity where none exists now.

The Downtown Design Guide provides specific guidance for projects that cannot accommodate all required on-site trees:

Guideline 7.6: Variances from the required number of trees shall not be permitted; however, required trees may be planted off-site if the Reviewing Agency determines that they cannot be accommodated on-site. Off-site trees may be planted, in the following locations in order of preference: nearby streets, public parks and private projects.

The Project will provide a significant portion of the required trees. By providing a total of 47 trees on site with the remainder of the required trees to be planted in locations elsewhere in Central City, the project goes a long way in attempting to achieve a

requirement that is difficult to fulfill in a dense urban site. The granting of the variance will not have any adverse effects on any element of the General Plan.

7. **Director's Decision** – Pursuant to Los Angeles Municipal Code Section 12.21 G.3, a Director's Determination to allow a 9% percent (5,429 square feet) reduction to the required open space of 59,325 square feet for a total amount of open space of 53,896 square feet.
- A. *The open space provided conforms with the objectives of the open space requirements for six or more dwelling units.*

The Project proposes a 522 residential unit, 50-story mixed-use tower spanning Olive Street and Hill Street. The podium would contain parking on all levels, with residential units partially screening the parking on floors 2-3, and completely screening the parking on levels 4-5, with commercial spaces lining the ground floor. The Project would contain a total of 529,083 square feet of development, resulting in an FAR of 10.6:1.

The LAMC Section 12.21 G requires that residential developments in excess of six units provide 100 square feet of open space for units with less than three habitable rooms, 125 square feet of open space for units with three habitable rooms and 175 square feet of open space for units with more than three habitable rooms generating the need to provide 59,325 square feet of open space for the project.

The proposed project is located within the Greater Downtown Housing Incentive Area (Ordinance 179,076), which encourages residential development within the downtown area through the use of modified LAMC Sections for density, yards, buildable area, open space, and a floor area bonus system for projects that voluntarily provide a prescribed percentage of units for affordable housing. These modified standards are suitable for dense urban areas like the Central City Community Plan area, while at the same time providing incentives to produce new housing. Pursuant to the Greater Downtown Housing Incentive Area (Ordinance 179,076) and LAMC Section 12.22 C.3(d), the proposed project will utilize the open space incentive that there shall be no prescribed percentage of the required open space that must be provided as either common open space or private open space.

The project requested a variance to provide 9% less open space than the 59,325 required. However, that variance is denied without prejudice and instead a Director's Decision for a 9% reduction in open space is approved. Therefore, the project as conditioned would provide a total of 53,986 square feet of open space. The LAMC requires that a minimum of 25 percent of the common open space area shall be planted with ground cover, shrubs or trees. As designed, the project will provide approximately 25 percent of the common open space area and satisfies the LAMC required minimum of 25 percent landscaped area for common open space.

The project will provide common open space at the ground floor in an indoor common room of 1,975 square feet, a 6th floor roof deck that includes a pool, dog run, open lawn, and lounge for a total of 18,390 square feet of open space, a 6th floor indoor/outdoor flex space of 4,700 square feet, and an indoor fitness center of 3,671 square feet. The project is required to provide one 24-inch box tree on-site or in the parkway for every four dwelling units, which amounts to a minimum of 131 trees. The project has requested a variance to provide a total of 47 trees (45 on-site trees and 2 new street trees located along the project frontage).

It is the Director's Decision that the project conforms to the objectives of the open space requirements of the Municipal Code, Section 12.21 G. 2 to provide the residents of the subject development with opportunities for outdoor living and recreation related amenities on-site.

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

As conditioned, the project will provide a total usable open space amount of at least 53,986 square feet in lieu of the required 59,325 square feet of open space required by LAMC Section 21.12 G.2. The purpose of the open space requirement is to improve the aesthetic quality of multiple residential dwelling units by providing relief of the massing of the building through the use of landscape materials and reduced lot coverage. The project will provide common open space at the ground floor in an indoor common room of 1,975 square feet, a 6th floor roof deck that includes a pool, dog run, open lawn, and lounge for a total of 18,390 square feet of open space, a 6th floor indoor/outdoor flex space of 4,700 square feet, and an indoor fitness center of 3,671 square feet. The open space provided will be open to the sky where required and will meet the size and dimensional requirements per the LAMC.

It is the Director's Decision that the project conforms to the intent and purpose of the open space requirements of the Municipal Code, Section 12.21 G to provide the residents of the subject development with the opportunities for outdoor living and recreation related amenities on the site.

Office: Downtown
Applicant Copy
 Application Invoice No: 20211

City of Los Angeles
 Department of City Planning



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City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: CREED LA - MODRZEJEWSKI, JEFF (B:877-8107473)
Representative: ADAMS BROADWELL JOSEPH & CARDOZO - TRESCOTT, ELLEN (B:916-4446201)
Project Address: 820 S OLIVE ST, 90014

NOTES: APPEAL OF DECISION IN WHOLE BY AN AGGRIEVED PARTY

CPC-2013-4134-TDR-MCUP-ZV-SPR-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00


Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
OSS Surcharge (2%)	\$1.78
Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (5%)	\$4.45
Grand Total	\$106.80
Total Invoice	\$106.80
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$106.80

LA Department of Building and Safety
 LA 0005 104051987 11/3/2014 1:50:30 PM

PLAN & LAND USE \$106.80

Sub Total: \$106.80

Receipt #: 0104365185

Council District: 9
 Plan Area: Central City
 Processed by NGUYEN, MINDY on 11/03/2014
 Signature: 



City of Los Angeles
Department of City Planning



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Receipt #: 0104365185 \$106.80
Total: \$106.80
Debit \$106.80

Card No: *****5401
Authorization: 135501

City Planning Request

will analyze your request and accord the same full and impartial consideration to whether or not you obtain the services of anyone to represent you.

is required by Chapter 1, Article 9, L.A.M.C.

F (B:877-8107473)
H & CARDOZO - TRECOTT, ELLEN (B:916-4446201)

NOTES: APPEAL OF DECISION IN WHOLE BY AN AGGRIEVED PARTY

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