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June 16, 2017

The Honorable City Council
City of Los Angeles
City Hall, Room 395
Los Angeles, California 90012

Dear Honorable Members:

TYPOGRAPHICAL CORRECTION TO PREVIOUSLY SUBMITTED LETTER DATED MARCH 24, 2017; CITY PLANNING CASE NO: ENV-2006-6302-MND-REC1-1A; PROJECT ADDRESS: 850 SOUTH HILL STREET (840, 844, 846, 848, 850, 852, 856 S. HILL STREET; 217, 219, 221, 223, 223 ½, 225 WEST 9TH STREET) CF 16-1462

The Alexan Project (Case no. DIR-2016****2015**¹-2976-TDR-SPR) was approved by the Director of Planning's Designee on July 28, 2016 for the Transfer of Floor Area of less than 50,000 square feet to permit an increase in floor area of up to 49,999 square feet for a total floor area of 257,569 square feet, or a 7.45:1 FAR, in lieu of the otherwise allowed maximum 207,570 square feet of floor area and a 6:1 FAR; and Site Plan Review for the creation of 50 or more residential units, in the C5-4D Zone. The project involves the construction, use and maintenance of a 27-story (approximately 320-feet above grade), mixed-use residential project with 305 dwelling units and 6,171 square feet of ground floor commercial space, with a total of 336 vehicular and 342 bicycle parking spaces, consisting of approximately 257,569 square feet of floor area.

The project's requested additional floor area of 49,999 square feet resulted in a public benefit equivalency of \$1,830,671.10. Consistent with the TFAR Ordinance, at least 50 percent of the Public Benefit Payment has been conditioned to consist of a cash payment by the applicant to the Public Benefit Payment Trust Fund and up to 50 percent (or \$915,335.55) of the Public Benefit Payment may be paid as a Direct Provision of Public Benefits. These funds will be directed towards advancing major objectives of the Redevelopment Plan to eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the Project Area through public benefits that will be funded in the surrounding community.

The determination of the Director was subsequently appealed to the Central Area Planning Commission where it was considered on October 25, 2016. The Central Area Planning Commission did not re-adopt the Mitigated Negative Declaration but, rather, reviewed and considered the information contained in the Mitigated Negative Declaration, No. ENV-2006-6302-MND, as supported by the addendum dated April 22, 2016 (ENV-2006-6302-MND-REC1), and found that no subsequent EIR or negative declaration is required for approval of the project. The Central Area Planning Commission denied the appeals of DIR-2015-2976-TDR-SPR and sustained the decision of the Director of Planning. An appeal of the Central Area Planning Commission's action relative to the project's environmental clearance was filed on behalf of the

¹ The above-reference technical correction is not discretionary in nature and only corrects a previous typographical error.

Eastern Columbia Homeowner's Association and the Society for the Preservation of Downtown Los Angeles (SPDTLA).

The appeal points submitted to the City argue that the Addendum prepared for the Modified Project (The Alexan) is insufficient. The Planning Department maintains that the impacts pertinent to the change from the original to the Modified Project were appropriately reviewed and analyzed in the prepared Addendum.

Environmental Clearance: The Addendum

The Addendum that has been prepared for the project uses the previously Approved Project as the starting point for the analysis of the environmental review for the project. Attached to this letter outlines the Project Scope and compares the previously Approved Project to the now Modified Project. The prepared Addendum has thoroughly reviewed the impacts of the Modified Project (The Alexan) and has prepared updated studies, where appropriate.

Updated studies/reports that were completed include:

- Air Quality Modeling worksheets
- Shade/Shadow study:
- An updated Geotechnical Report
- Greenhouse Gas Emissions were calculated
- Phase I Site Assessment
- Noise Study
- Traffic Study
- Historic Assessment

The California Environmental Quality Act (CEQA) Guidelines Section 15164 states that the lead or responsible agency *shall* prepare an addendum to a previously certified EIR (or Negative Declaration) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR (or Negative Declaration) have occurred. An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Pursuant to CEQA Guidelines Section 15162, when a negative declaration has been adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- a. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration

due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - i. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

APPEAL ANALYSIS ENV-2006-6302-MND-REC1-1A

Appellant: Eastern Columbia Homeowner's Association

The Appellant's statements have been summarized below:

1. Appellant's Statement: This is not a "Modified" Project.

The Project is not related to the original 2007 mixed-use project which contained 167 residential condominium units and 7,107 square feet of lobby/retail space. It is 6 stories and 74 feet taller than the 2007 Project; includes over 67,000 square feet more floor area; almost doubles the amount of residential units; maintains completely new architecture and a completely new design; and requires different findings. Additionally, traffic impacts today and almost 10 years ago are also completely different.

Such changes to the Project and analysis are substantial and introduce previously unstudied and potentially significant environmental effects which require the preparation of EIR.

Staff's Response

On April 22, 2016, the Department of City Planning released an Addendum to the previously adopted Mitigated Negative Declaration No. ENV-2006-6302-MND. The original MND was adopted on January 31, 2007.

Pursuant to the CEQA Guidelines Section 15164, the lead or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a

decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Pursuant to CEQA Guidelines Section 15162, when a negative declaration has been adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- a. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - i. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Despite the changes proposed in the now Modified Project, the adopted MND was determined to retain informational value and no new significant impacts were identified as a result of the changes proposed. As a result, an Addendum to the MND was prepared. This Addendum reflects the independent judgment of the lead agency and has determined that the Modified Project would not have a significant effect on the environment provided the potential impacts are mitigated to a less than significant level by implementation of the previously adopted mitigation measures. These mitigation measures will **not**² apply to the Modified Project. All feasible mitigation measures have been incorporated into the project as Conditions of Approval to ensure that there will be no significant unavoidable environmental impacts.

The Addendum to the environmental analysis (ENV-2006-6302-MND) concludes that none of the proposed changes to the Project would generate or result in any new significant environmental impacts and the mitigation measures identified in the adopted Mitigated

² The above-reference technical correction is not discretionary in nature and only corrects a previous typographical error.

Negative Declaration shall be readopted for the purposes of avoiding and mitigating all potential adverse impacts on the environment in association with the associated case(s): ZA-2006-6350-YV-ZAA-SPR and VTT-66505. Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impacts(s) on the environment (after mitigation) will not:

- Substantially degrade environmental quality.
- Substantially reduce fish or wildlife habitat.
- Cause a fish or wildlife habitat to drop below self-sustaining levels.
- Threaten to eliminate a plant or animal community.
- Reduce number, or restrict range of a rare, threatened, or endangered species.
- Eliminate important examples of major periods of California history or prehistory.
- Achieve short-term goals to the disadvantage of long-term goals.
- Result in environmental effects that are individually limited but cumulatively considerable.
- Result in environmental effects that will cause substantial adverse effects on human beings.

The submitted appeal notes that the Project has changed from that which was analyzed in the 2007 adopted Initial Study (IS)/MND but was not filed with substantial evidence, pursuant to Section 15164 of the State CEQA Guidelines, to demonstrate how such changes would cause new or substantially worse significant impacts.

The environmental analysis presented in the completed Addendum evaluates the environmental impacts associated with the changes proposed under the Modified Project. The Addendum provides substantial evidence to demonstrate that any potential environmental impacts associated with the Modified Project would not cause new significant environmental impacts or an increase in the severity of previously significant impacts that were identified in the Adopted MND. As such, the Addendum is the appropriate environmental document to address the changes proposed under the Modified Project.

Furthermore, the California Supreme Court's recent decision in *Friends of College of San Mateo Gardens v. San Mateo Community College District* (2016) 1 Cal.5th 937 has held that an Addendum to an MND is a proper CEQA document in instances where a Modified Project's changes in scope would not cause any new potentially significant impacts studied in an adopted MND and mitigated in an adopted Mitigation Monitoring and Reporting Plan (MMRP). The prepared Addendum is appropriate because it contains substantial evidence demonstrating that all of the impacts of the Modified Project will continue to be mitigated to less than significant levels.

Staff maintains that the Appellant has not provided substantial evidence to demonstrate how the changes reflected by the Modified Project will cause new or substantially more severe significant environmental impacts.

2. Appellant's Statement: The Addendum to the MND Improperly Defers Mitigation Measures.

Under CEQA requiring adopting of mitigation measures from a future study is impermissible. *Sunstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-07. "[The] Addendum to MND requires a future assessment and report by a preservation architect, in violation of CEQA."

Staff's Response

As disclosed in the Addendum, a previous Historic Assessment that was completed in 2006 for the 2007 IS/MND Historic Assessment concluded that while the setting and design compatibility of the Original Project was in conformance with the Secretary of the Interior's Standards, the setting and design compatibility of the concept layout would need further review to ensure less than significant impact on historical resources. In conjunction with the Modified Project, a new 2016 Historic Assessment was completed in order to assess whether the project would create a new or substantially more severe significant environmental impact of the surrounding historic resources.

Similar to the Original Project, the Addendum's 2016 Historic Assessment that was completed by the Historic Resources Group and reviewed by the Department of City Planning's Office of Historic Resources, ("the 2016 Historic Assessment") analyzed the design compatibility of the Modified Project in relation to the surrounding historic resources. The Assessment concluded that even with its increased height, the Modified Project incorporates design features, including increased setbacks, which would result in a less than significant impact, similar to the less than significant impact in the Original Project. The Assessment additionally concluded that the Modified Project would not demolish, relocate, rehabilitate, or alter any historic resource or district located on the site or in the vicinity, and does not involve construction that reduces the integrity or significant of historic resources or district on the site or in the vicinity. As such, the analysis of the project was completed and has not been deferred.

In addition, the Modified Project was conditioned to comply with Mitigation Measures Nos. 15 and 16 that would continue to ensure that impacts with respect to compatibility with historic design standards remain less than significant. These measures require confirmation by an impartial preservation architect that any further refinement of building design that occurs during the issuance of building permits are consistent with the design that the City has approved and is in conformance with the Secretary's Standards prior to the issuance of a building permit. These are not loose or open-ended performance criteria. Rather, they will ensure the continued mitigation of potential impacts. If a preservation architect were to recommend modifications, such modifications will be required to be incorporated into the design prior to the issuance of any building permit.

3. Appellant's Statements: Substantial evidence support a fair argument that the Project may have a significant effect on historical resources.

The Project will partially block the visual landmark of the Eastern Columbia Building (Historic Monument No. 294) and the size and scale of the Project will dwarf the Eastern Columbia. Therefore, it will materially impair the historical significance of the Eastern Columbia Building and substantial evidence supports a fair argument that the Project may have a significant impact on Historic/Cultural Resources and an EIR is required.

Staff's Response

While the appellant has subsequently submitted a Historic Assessment Report, prepared by Charles J. Fisher (the Fisher Report), in an attempt to provide substantial evidence to support a fair argument, City Planning maintains that the partial blockage of a historical resource, such as the Eastern Columbia Building, will not result in a significant effect to such resources. While the Modified Project is larger in scale than neighboring historic resources and its design provides a contrast to historically designated monuments, such facts do not result in a significant impact as defined by CEQA. CEQA Guidelines Section 15064.5(b) states that "the significance of a historical resource is materially impaired when a project demolishes or

materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources... or a local register of historical resources... or the California Register of Historical Resources.”

As described in the 2016 Historic Assessment, the Modified Project, while taller than neighboring historic resources and of a more contemporary design, will not alter any physical characteristics of such identified historic resources. Furthermore, the construction of the Modified Project will not reduce the integrity or significance of any historic resources on the vacant site or in the vicinity, such as the Eastern Columbia Building, the May Company Building, the Broadway Theater and Commercial District, or any other individual historic resource or district in the area. All physical features and characteristics that convey historic significance and justify an individual resource and district’s inclusion in or eligibility for historic listing will remain intact.

4. Appellant’s Statements: The Thresholds for Historic Resources are Incomplete and Inaccurate.

The Modified Project’s impacts to adjacent historic resources are not adequately analyzed. The thresholds are misapplied as they only apply to individual historic buildings, not new infill development within historic districts. The thresholds for infill development in a historic district require analysis that the proposed project does not cut a district in half resulting in a loss of continuity as a district, overshadowing a district with new construction so its principal formal structure is compromised; or creating such an offence or distraction that the continuity and features of a district are obscured. Such thresholds must be analyzed, and it is clear that significant impact is to be found, warranting an EIR.

Staff’s Response

City Planning maintains that the Modified Project’s impact on historic resources was thoroughly analyzed in the Addendum’s 2016 Historic Assessment and that identified thresholds for historic resources are complete and accurate. The Fisher Report asserts that the 2016 Historic Assessment misinterprets the Secretary of the Interior’s Standard No. 9 because it overemphasizes the Modified Project’s differentiation from neighboring historic resources. The Secretary of the Interior’s Standard No. 9 states that “new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize [a historic] property. The work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.” As described in response no. 3, the Modified Project’s increased height is not a threshold for a significant impact to historic resources under CEQA.

Under CEQA, the compliance with the Secretary of the Interior’s Standards does not ultimately determine whether a project would cause a substantial adverse change in the significance of a historic resource. As described in CEQA Guidelines Section 15064.5(b)(3), “Generally, a project that follows the Secretary of the Interior Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than significant impact on the historical resource.” This Section, however, does not explicitly describe its applicability to urban infill projects that are adjacent to and not physically touching a historic resource, such as the Modified Project. Much like the previously Approved Project, the Modified Project’s location within an urbanized setting will result in a project that will partially block visibility of a historic resource. City Planning maintains

that the 2016 Historic Assessment analyzed the impacts caused by the Modified Project to surrounding historic resources and found that the Modified Project, like the previously Approved Project, would not materially impair the integrity or significance of any resource.

Furthermore, while the subject property has been identified as being within the Downtown Los Angeles Historic Core, it is *not* located within a *historic district*. The subject site is located adjacent to, but not within, the Broadway Theater and Commercial District and will therefore not cut a district in half. The 2016 Historic Assessment found that the Modified Project would not visually impact the established Broadway Theater and Commercial District from Broadway. In addition, an impact to an established historic district is not determined by its visibility from adjacent streets and as previously approved, the previously designed project, while smaller, did partially impact the view of the historic district located on Broadway.

5. Appellant's Statements: Impacts on Land Use/Planning are inadequately evaluated and substantial evidence supports a fair argument that the project may have a significant effect on land use/planning.

Staff's Response

Section III-X (Land Use) of the Addendum analyzes the Modified Project and provides a thorough consistency analysis where it was determined to be consistent with such plans and guidelines. While the appeal cites various City policies, objectives, and goals, specifically related to the City Center Redevelopment Project Area, the Downtown Design Guidelines, and the Historic Downtown Design Guidelines that it claims the proposed project is inconsistent, it does not present any substantial evidence to support such claims. The Addendum provides a comprehensive consistency analysis with respect to design guidelines and adopted planning documents.

The adopted Central City Community Plan designates the subject property for Regional Center Commercial land uses with the corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The Central City Community Plan contains a footnote (Footnote No. 3) for the Regional Center Commercial land use designation in which it states the land use designation corresponds to Height Districts 3-D and 4-D, with a D limitation to 6:1 FAR, except for the transfer of floor area up to 10:1 or 13:1, respectively. As it has been adopted by the Central City Community Plan, the applicable footnote explicitly limits the subject site's FAR to 6:1, *unless a transfer of floor area has been requested, in which case the FAR for the site may be increased up to 13:1*.

As previously described, the Modified Project has been approved for a Transfer of Floor Area of less than 50,000 square feet to permit an increase in floor area of up to 49,999 square feet for a total floor area of 257,569 square feet, or a 7.45:1 FAR, in lieu of the otherwise allowed maximum 207,570 square feet of floor area and a 6:1 FAR, in conjunction with the construction of a 27-story (approximately 320 feet above grade), mixed-use residential project with 305 dwelling units and 6,171 square feet of ground floor commercial space.

The Proposed Project is proper in relation to adjacent uses and the development of the community since it furthers mixed-use, high-density residential development adjacent and proximate to other high-density residential and community uses and has been conditioned to meet the required provisions of the City's Downtown Design Guide. The Downtown Design Guide is composed of Standards and Guidelines intended to provide guidance for creating a livable, sustainable Downtown community.

The Project would provide six levels of parking, including one level of subterranean parking and five levels of above grade parking. Ground level would support five (5) parking spaces and a loading area, accessed from Hill Street. Levels two (2) through four (4) would consist entirely of parking spaces and Level five (5) would provide additional parking behind habitable residential space fronting Hill Street and 9th Street. The Project is in compliance with the Downtown Design Guide by providing a maximum of three levels of exposed parking above ground floor retail.

Other design features include glass elements of the tower fronting the corner of 9th and Hill Street which would come all the way down to the first level above the ground floor retail space, thereby creating a visual enhancement of the parking levels in the podium so as to complement the façade of the residential units above the podium. Additionally, the Project would include a comprehensive podium screening program that would incorporate pre-cast concrete with a stone veneer, metal panel frames and vertical louvers along 9th and Hill Streets to give the appearance that the parking levels are occupied floors rather than a screened garage. The design of these levels would also carry the scale and rhythm of the adjacent Broadway Trade Center building through the block. Where the project faces the adjacent Eastern Columbia building's dwelling units and parking garage, the Project would screen the podium so as to reduce the visibility of parking on the subject site.

The Project has been designed to be consistent with the tower spacing requirements identified in the Downtown Design Guide. The tower would be located 81 feet from the neighboring Eastern Columbia Building and approximately 176 feet from the clock tower. The tower spacing is designed to provide privacy, natural light and air, as well as to contribute to an attractive skyline.

The submitted appeal, while it provides a list of land use policies, objectives, and goals, does not provide substantial evidence to support a fair argument that the Modified Project will now have a significant effect on land use/planning that was not previously identified in the previously Approved Project.

6. Appellant's Historical Assessment Report: On February 28, 2017, a Historical Assessment Report completed by Charles J. Fisher (Fisher Report) was received from representation (Luna & Glushon) of the Eastern Columbia Homeowners Association appellant.

The Department of City Planning as reviewed the Historical Assessment Report which makes the following conclusions to support its claim that the Modified Project (The Alexan) design differs substantially from the previously Approved Project and that such changes represented by the Alexan will cause significant impacts to historic resources:

- A. Historic resource identification is incomplete: The Addendum under-reports the significance and concentration of historic buildings and the area of potential effect of the project.
- B. Project location is misstated in the MND Addendum: The Alexan is located in the Historic Core of Downtown, not in South Park.
- C. Findings of impacts are incomplete and inaccurate: The conclusion that the new project would not impact the significance of a historic building or district was based on errors that assume the project itself is a historic resource and rely on Secretary of the Interior Standards.

- D. Analysis of compatibility is forced and misleading: The evaluation of the project limit the discussion of impacts to only positive items omits that the new construction is seen from vantages where it has a major adverse effect.
- E. Infeasible mitigation measures: The Addendum calls for a future design reviewer to review plans and the Applicant to make required changes. The major issues of incompatibility of the Alexan project are known now and must be corrected prior to approval.
- F. Aesthetics and neighborhood quality nexus missing: The Addendum fails to connect the aesthetic appearance of the new construction and its interruption and incompatibility with historic buildings in the District. It fails to relate the incompatibility of the project with the District's historic character-defining features, which are also its aesthetics.

Staff's Response

- A. Historic Resource Identification is Complete: The Addendum accurately identifies the project location and lists the uses that immediately surround it. In the Project Description of the Addendum, a 12-story commercial building, approximately 160 feet in height (the Coast Federal Savings building), and a 33-story mixed-use residential tower, approximately 375 in height feet, with a five level parking structure (the Level building) are identified as being located to the west project site; a 13-story residential building, approximately 264 feet in height (the Eastern Columbia building) and a 2½ story parking structure with ground floor commercial space are identified as being located to the east of the project site; a 9-story commercial building, approximately 155 feet in height (the Broadway Trade Center) is located to the north of the project site; and a four-story commercial and parking mixed-use building approximately 76 feet in height (the May Company garage) and a one story commercial building are located to the south of the project (across 9th Street). Photographs are additionally provided. of the surrounding land uses and the 2016 Historic Assessment completed for the Modified Project specifically identifies the historic buildings that surround the subject site.
- B. Project location is correctly stated in the MND Addendum: The Addendum accurately identifies the project location. As stated, the project site is located within the Central City Community Plan and more specifically within the South Park area and the City Center/Historic Core. The Central City Community Plan describes the South Park area as generally bounded by Eighth Street, Main Street, the Santa Monica Freeway, and the Harbor Freeway. At the northeast corner of 9th and Hill Street, the project site is located within these general boundaries. In addition, the Community Plan describes the Center City/Historic Core as extended from First Street to approximately Eleventh Street between Los Angeles and Hill Street. The Plan states that in recognition of the history of the historic core and the large concentration of historic buildings remaining in the area, there are two National Register Historic Districts in the Historic Core/Central City – the Spring Street Financial District between 4th and 7th Streets and the Broadway Theater District between 3rd and 9th Streets. The project site, however, is not located in either of these identified historic districts. The Community Plan describes the Historic Core as having evolved into three distinct subareas. As described, the subject site is located within the “southern portion which is emerging as an extension of the Fashion District and the South Park residential neighborhood.

The Addendum further identifies the project as being located within the City Center Redevelopment Plan, specifically within the Historic Downtown Development Area. Finally, the Addendum recognizes that the project is located on the southwestern edge of the Historic Design Guideline's defined area.

- C. Findings of Impacts are complete and accurate: See Response No. 4 Above.
- D. Analysis of Compatibility is not misleading: Staff maintains that the project will not result in a significant impact on historic resources. The partial blockage of the Eastern Columbia Building will not result in a significant effect on historical resources. The 2016 Historic Assessment concluded that the Modified Project would not demolish, relocate, rehabilitate, or alter any historic resource located on the site or in the vicinity, and does not involve construction that reduces the integrity or significance of historic resources on the site or in the vicinity, such as the Eastern Columbia and Broadway Trade Center Buildings or the Broadway Theater District. When considering impacts to the Eastern Columbia and Broadway Trade Center Buildings, the 2016 Historic Assessment describes the facades of these buildings which face the project site as having been designed in a more plain and utilitarian manner, in anticipation of adjacent future construction. With regards to the Eastern Columbia Building, its western façade which faces the project site was originally constructed with minimal window openings and zero balconies. While the project may result in the blockage of private, non-public views from the Eastern Columbia building, these views are not historic or aesthetic resources that are protected by law.

The Planning Department's Office of Historic Resources reviewed the recently submitted Charles J. Fisher Report which attempts to substantiate the claim that the Modified Project will have a significant impact on the neighboring historic resources, namely the Eastern Columbia Building and its clock tower, and has not found that the report presents substantial evidence to support its conclusion. The historic architecture of surrounding historic resources, including the Broadway Theater District, will remain discernible after construction of the Modified Project and, as such, it will not result in a significant impact to historic resources.

- E. Feasible Mitigation Measures: See Response No. 2 Above.
- F. Aesthetic and Neighborhood Quality Nexus Missing: The Modified Project's differentiation from the surrounding historic buildings by its contemporary design and modern materials does not constitute an impact under CEQA. The Fisher Report does not provide substantial evidence to support the fair argument that the Modified Project's design will materially impair an identified resource or neighboring historic district.

Appellant: Society for the Preservation of Downtown Los Angeles (SP-DTLA)

The Appellant's statements have been summarized below:

7. Appellant's Statement: The proposed project will have significant, unmitigatable land use impacts neither disclosed nor analyzed by the City in its Addendum to the 2007 MND.

Staff's Response

Staff maintains that while the Modified Project's requested transfer of floor area was not requested and described in the adopted MND that was prepared for the Approved Project, the additional floor area, as analyzed by the Addendum, will not result in a significant and unmitigatable land use impact. See Response No. 1.

8. Appellant's Statement: The City Center General Plan Consistency Program Imposed the "D" Limitation on FAR and residential density limits on R5 Zones to avoid significant environmental impacts from overly dense development.

Staff's Response

This specific appeal point does not raise an argument that challenges the environmental review that was completed for the Modified Project. See Response No. 5 above.

9. Appellant's Statement: The CRA/LA, and not the City, was required to act as the lead agency under the CEQA statute:

Staff's Response

The Los Angeles Municipal Code states under Section 16.05-G that "The Director, or his/her designee, shall cause to be prepared, concurrently with the review and approval of the site plan, the required environmental studies and notices for the project; except that in the adopted redevelopment project areas, the CRA shall assume lead agency responsibilities for environmental review of all projects subject to the provisions of this section and shall prepare the required environmental studies and notices."

The CRA, as defined by the Los Angeles Municipal Code, has been dissolved. Following its dissolution, the Department of City Planning has assumed the role as the Lead Agency for the review of discretionary projects in designated CRA project areas.

This is further supported by CRA Resolution No. 16, adopted on June 21, 2012, which determined that "for the purposes of determining whether land uses proposed in development applications for any property located in the Project Areas are permitted uses, it is hereby determinate that any land uses permitted for such property by the applicable provisions of the City of Los Angeles General Plan, Community Plan, and Zoning Ordinance., all as they now exist or are hereafter amended or supplanted from time to time, shall be permitted land use for all purposes under the applicable Redevelopment Plan." The resolution further resolved that land use designation for any property in a Project Area set forth in the Redevelopment Plan Map and the land use regulations for such property set forth in the Redevelopment Plan for the applicable Project Area shall defer to and be superseded by the applicable City of Los Angeles General Plan, Community Plan, and Zoning Ordinance land use designations and regulations for such property, all as they now exist or hereafter amended or supplanted from time to time."

The Department of City Planning's practice since the dissolution of the CRA and the CRA Resolution No. 16 is further supported by CEQA Guidelines Section 15051 which states that where two or more public agencies will be involved with a project, the determination of which agency will be the lead agency shall be governed by the following criteria:

- (a) If the project will be carried out by a public agency, that agency shall be the lead agency even if the project would be located within the jurisdiction of another public agency.
- (b) If the project is to be carried out by a nongovernmental person or entity, the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.
 1. The lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.
 2. Where a city prezones an area, the city will be the appropriate lead agency for any subsequent annexation of the area and should prepare the appropriate

environmental document at the time of the rezoning. The local agency formation commission shall act as a responsible agency.

- (c) Where more than one public agency equally meet the criteria in subdivision (b), the agency which will act first on the project in questions shall be the lead agency.
- (d) Where the provisions of subdivisions (a), (b), and (c) leave two or more public agencies with a substantial claim to be the Lead Agency, the public agencies may by agreement designate an agency as the Lead Agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices.

The project will require further approval of the TFAR request by the CRA's Designated Local Authority's Oversight Board; however, this will not occur until all requested entitlements granted by the Department of City Planning have been finalized and the environmental clearance has been fully approved. Since the dissolution of the CRA, the Department of City Planning acts initially on applicable discretionary requests in CRA areas and, therefore, assumes the role as the lead agency. Furthermore, in the instance of the Addendum prepared for the Modified Project, the Department of City Planning staff has coordinated the review of the project with the CRA's Designated Local Authority staff and it has been understood that the Department of City Planning has acted appropriately act as the Lead Agency.

10. Appellant's Statement: SP-DTLA investigation of other violations of CEQA continues.

Staff's Response

The appeal point argues that the City has failed to provide a sufficient project description; has failed to appropriate analyze impacts; and did not consider reasonable alternatives. Planning Staff maintains that the Addendum prepared for the Modified Project was appropriate and contained a complete and accurate project description. Furthermore, the Addendum updated the appropriate studies which analyzed impacts for the previously Approved Project. While the Appellant questions the manner in which these studies were conducted and asserts that the increased size of the project will create new significant impacts on the environment, the assertions are not supported by substantial evidence and studies that demonstrate how the Modified Project create new or more severe impacts than what was initially studied for the previously Approved Project. Finally, with no significant and unavoidable impacts identified in the Addendum, project alternatives were not considered because all previously adopted mitigation measures were found to substantially lessen the significant environmental effects of the Modified Project.

11. Appellant's Statement: Approving The Alexan with an uncirculated Addendum to the 2007 MND Violates CEQA.

Staff's Response

The Addendum prepared for the Modified Project was not published for formal comment, as it is not required by CEQA (CEQA Guidelines Section 15164(c)). The Addendum was, however, posted on the City's website for approximately 30 days prior to the hearing officer hearing on May 25, 2016. Staff received numerous letters from interested parties and while such letters presented arguments against the Proposed Project, they did not present any new information that would warrant any changes to the environmental analysis as presented in the Addendum to the previously adopted MND. Formal responses to such letters were prepared and are included in the subject case file.

12. Appellant's Statement: The City does not have the authority to grant a transfer of floor area without the approval of a transfer plan.

Staff's Response

While this specific appeal point does not raise an argument on environmental review that was completed for the Modified Project, staff maintains that the applicant has requested and been approved for a transfer of floor area of less than 50,000 square feet, pursuant to LAMC Section 14.5.7, in exchange for a payment to the Public Benefit Trust fund. A transfer plan is only required for transfers of floor area of 50,000 square feet or more, pursuant to LAMC Section 14.5.6, and is not a requirement pursuant to LAMC Section 14.5.7, as has been filed by the proposed project.

Conclusion

As the appellant has failed to adequately disclose how the City erred in its actions relative to preparation of the MND Addendum for the Modified Project, Planning staff respectfully recommends that the appeal of ENV-2006-6302-MND-REC1 be denied.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Nicholas Hendricks
Senior City Planner

VPB:NH:JM

Enclosures

Attachment A: 850 S. Hill Street Project Scope

**Attachment A
 850 S. Hill Street
 Project Scope**

The following provides an overview of the previously “Approved Project,” as was analyzed by Case No. ENV-2006-6302-MND, and the Modified Project, as has been analyzed by Case No. ENV-2006-6302-MND-REC1:

Previously “Approved Project” (Case nos. ZA-2006-6350-YV-ZAA-SPR and VTT-66505):

- 167 residential units analyzed by the Mitigated Negative Declaration
- 158 residential condominium units approved by the Advisory Agency
- 5,780 square feet of ground floor commercial uses
- Maximum height of 246 feet, or 21-stories with 2 subterranean parking levels.
- 6:1 Floor Area Ratio
- 245 parking spaces
- No bicycle parking.
- Two levels of subterranean parking
- 17,625 square feet of open space.
- 190,092 square feet of floor area
- Granted yard relief for zero-foot side and rear yard for levels one through three, in lieu of a 20-foot rear and 16-foot side yard

Current “Modified Project” aka The Alexan (Case no. DIR-2015-2976-TDR-SPR):

- 305 residential dwelling units
- 6,171 square feet of commercial
- Maximum height of 320 feet, or 27 stories
- 7.45:1 Floor Area Ratio
- 336 parking spaces
- 342 bicycle spaces (308 long term, 34 short term)
- One level of subterranean parking
- 32,225 square feet of open space
- 257,569 square feet of floor area
- No yard variances or adjustments requested

Project Features	Approved Project (VTT 66505 and ZA-2006-6350-YV-ZAA-SPR)	Original Project (ENV-2006-6302-MND)	Modified Project	Net Change ^[a]
Floor Area				
Residential	182,895 sf	186,022 sf	251,398 sf	+65,376 sf
Commercial/Retail	5,780sf	4,880 sf	6,171 sf	+1,291 sf
Total	190,902 sf	190,902 sf	257,569 sf	+66,667 sf
FAR	6:1 ^[b]	6:1 ^[c]	7.45:1 ^[d]	+1.45 sf
Dwelling Units				
Studio	--	--	59 du	+59 du
1 Bedroom	--	100 du	183 du	+83 du
2 Bedroom	--	67 du	60 du	-7 du
3 Bedroom	--	--	3 du	+3 du
Total du	158 du	167 du	305 du	+138 du
Open Space	17,625	Proposed Open Space Not Specified	32,225 sf	+14,600 sf ^[d]

Parking				
Residential	245 stalls	259 stalls	336 stalls	+77 stalls
Commercial	--	--	--	--
Total	245 stalls	259 stalls	336 stalls	+77 stalls
Height				
Stories	21 stories	21 stories	27 stories	+6 stories
Feet Above Grade Level	246 ft	246 ft	320 ft	+74 ft
TFAR Request	None	None	49,999 sf	+49,999 sf

Notes: du = dwelling units; sf = square feet

^[a] Net change based on the difference between the Modified Project and Original Project as analyzed in the adopted 2007 ISMND.

^[b] Based on a lot area of 31,817 square feet after dedication.

^[c] Based on a lot area of 34,595 square feet before dedication.

^[d] Net change for open space based on the difference between the Approved Project and Modified Project, as the proposed open space for the Original Project was not specified in the 2007 ISMND.

Sources: Case No. ENV-2006-6302-MND (VTT-66505, ZA-2006-6350-YV-ZAA-SPR) and RTKL, February 18, 2016.