

## CONDITIONS OF APPROVAL

### Corrected - As modified by the Planning and Land Use Management Committee on August 14, 2018

Pursuant to Section 14.5.6 B and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

#### A. Development Conditions:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, renderings, and materials submitted by the Applicant, stamped "Exhibit A," dated February 12, 2018 and attached to the subject case file.
2. **Transfer of Floor Area Rights.**
  - a. **Floor Area.** The Development shall not exceed a maximum Floor Area Ratio (FAR) of 9.1:1 and a total floor area of 186,435 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 is not required. The base lot area used to calculate the base floor area shall be 60,819 square feet with a 6:1 FAR. Changes to the Project that result in a five percent change in floor area, or more, shall require new entitlements.
  - b. **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.
    - i. The total amount of floor area authorized to be transferred from the Los Angeles Convention Center by this action shall not exceed 186,435 square feet. The total floor area of the Project Site (Receiver Site) shall not exceed 551,349 square feet.
    - ii. The Applicant shall provide a TFAR Transfer Payment consistent with LAMC Section 14.5.10 in the amount of \$5 per square foot, or \$932,175, for the transfer of 186,435 square feet from the Los Angeles Convention Center located at 1201 South Figueroa Street (Donor Site) to the Project Site (Receiver Site).
  - c. **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.
    - i. The Applicant shall provide a Public Benefit Payment consistent with LAMC Section 14.5.9 in the amount of \$4,291,570.00 provided that at least 50 percent (or \$2,145,785.00) of the Public Benefit Payment consist of cash payment by the Applicant to the Public Benefit Trust Fund. Direct provision payments shall be paid directly to the recipients and not to the City of Los Angeles. Proof shall be provided in the form of a cleared check or bank statement and a letter signed by the Executive Director of each organization. Consistent with the TFAR Ordinance, the Project shall provide 50 percent (or \$2,145,785.00) of the Public Benefit Payment by directly providing the following public benefits:

1. Off-Site Improvements. A total payment of \$442,393.42 (20.61%) to be utilized for off-site improvements as follows:
  - a. The construction of off-site improvements adjacent to the property along Main Street and Harlem Place (alley) as described in Exhibit A landscape plans in the amount of \$435,309.00. Improvements to the sidewalk along Main Street shall include, but are not limited to, aesthetic paving, new bike racks, landscaping, and street furniture. Improvements to Harlem Place shall include geometric scored concrete paving with three linear bands of turf block pavers, a green screen wall, planting and irrigation, and lighting. The parapet planter shall not be considered an off-site improvement. The applicant shall demonstrate that the proposed geometric scored concrete paving and turf block pavers are beyond the standard cost of alley improvements required by the Bureau of Engineering. If it is determined that the sidewalk and alley improvements are required by the Bureau of Engineering, the Applicant shall provide a revised Public Benefits Cost Summary excluding the standard cost of the required public right-of-way improvements.
  - b. The construction of off-site improvements for the portion of Blackstone Court (alley) adjacent to 920 South Hill Avenue in the amount of \$7,084.42, Improvements shall include geometric scored concrete paving with three linear bands of turf block pavers, a green screen wall, planting and irrigation, and lighting. The parapet planter shall not be considered an off-site improvement. The applicant shall demonstrate that the proposed geometric scored concrete paving and turf block pavers are beyond the standard cost of alley improvements required by the Bureau of Engineering. If it is determined that alley improvements are required by the Bureau of Engineering, the Applicant shall provide a revised Public Benefits Cost Summary excluding the standard cost of the required public right-of-way improvements.
2. A payment to Chrysalis in the amount of \$76,104.12 (3.55%). The funds shall be utilized towards job training and new jobs for homeless and recently homeless persons hired by Chrysalis specific to its contract with the Historic Downtown Business Improvement District, and may be utilized to further expand power-washing program for sidewalks within the Historic Downtown District.
3. A payment to Deep Green Housing and Community Development in the amount of \$882,696.06 (41.14%). The funds shall be utilized to provide physical and space improvements for the conversion of an existing building for an affordable housing project, for the new construction of an affordable housing project, or for improvements or construction costs associated with the establishment of homeless outreach services within the boundaries of the TFAR area.
4. A payment to the Los Angeles Neighborhood Initiative (LANI) in the amount of \$744,591.40 (64.70%). The funds shall be utilized to fund projects that support Bringing Back Broadway initiatives, such as streetscape and pedestrian improvements, including façade lighting.

- ii. At the time of issuance of the Certificate of Occupancy for the project, the Applicant shall provide an update to the file from each recipient of direct provisions detailing how the money has been spent thus far.
  - iii. 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:
    1. The issuance of the building permit for the Project; or
    2. 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.
3. **Use.** The Project Site shall be limited to a maximum density of 452 residential dwelling units and 21,514 square feet of commercial uses. A change to proposed uses shall require new entitlements.
  4. **Ground Floor Treatment: Retail Streets.** The ground floor along Main Street and 6<sup>th</sup> Street shall be developed in substantial conformance with the stamped Exhibit A in order to accommodate active uses, which may include uses such as: retail, restaurants, professional office, live-work uses, building lobbies, recreational rooms, or common areas.
    - a. At least 75 percent of the building's street level façade shall consist of wall openings, such as storefront windows and doors. Wall openings shall utilize clear glass, or similar transparent materials.
    - b. Tenant spaces shall have:
      - i. the primary entrance located along the public street;
      - ii. a minimum depth of 25 feet when measured from the front façade of the building;
      - iii. an average floor-to-ceiling height of 14 feet.
  5. **Signage.**
    - a. Prior to the issuance of a Certificate of Occupancy or a signage permit, whichever is first, a detailed master signage plan shall be submitted to the Department of City Planning, Central Project Planning Bureau, for review with compliance with the Downtown Design Guidelines. An approved master signage plan shall be maintained in the administrative file.
    - b. Prior to the issuance of a signage permit, individual signage shall be designed and reviewed for conformance with the approved master signage plan.
  6. **Sustainability.**
    - a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

- b. Prior to the issuance of the Certificate of Occupancy, the applicant shall install a minimum of 1,614 square feet of solar panels. The solar panels may be installed within multiple areas; however, the total area shall not be less than 1,614 square feet.

## 7. **Parking.**

- a. The minimum number of residential and commercial automobile parking spaces shall be provided as required by LAMC Section 12.21 A,4(a), (i), and (p), and no more than 860 automobile parking spaces shall be provided.
- b. If non-required parking spaces are provided, then a minimum of 37 parking spaces shall be designated as guest parking spaces. In the event that less than 37 non-required parking spaces are provided, then all non-required parking spaces shall be designated as guest parking spaces. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

- c. The project shall provide unbundled parking leases for residential units and commercial tenant spaces. Residential and commercial tenants shall have the option to lease parking spaces separately from the residential dwelling units or commercial tenant space, or to opt out of leasing parking spaces.
- d. **Electric Vehicle Parking.** All of the provided parking stalls shall comply with current Green Building requirements for EV parking. In addition, no less than twenty percent (20%) of any parking spaces which are provided in excess of the Code required parking requirement, but in no case less than one location shall be capable of supporting the future installation of EVSE.
- e. **Bicycle Parking.** Residential and commercial bicycle parking shall be provided consistent with LAMC 12.21 A,16.
- f. Prior to the issuance of a building permit, the driveway and parking plan shall be submitted for review and approval to the Department of Transportation.

## 8. **Landscaping.**

- a. **Tree Wells.**
  - i. The minimum depth of tree wells on the rooftop shall be as follows:
    1. Minimum depth for trees shall be 42 inches
    2. Minimum depth for shrubs shall be 30 inches.
    3. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
    4. Minimum depth for an extensive green roof shall be 3 inches.
  - ii. The minimum amount of soil volume for tree wells on the rooftop shall be based on the size of the tree at maturity:
    1. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
    2. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
    3. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).

- b. New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise required by the Urban Forestry Division, Bureau of Public Works.
  - c. Green wall landscaping and screening shall be installed along the western elevation (along the alley) of the parking structure to the satisfaction of the Department of City Planning.
9. **Construction.** The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.
10. **Noise.** All exterior windows having a line of sight of an Avenue (Major or Secondary Highway) shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto. Or, the applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
11. **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.
12. **Aesthetics (Glare).** The exterior of the proposed structure 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.

## **B. Environmental Conditions**

### **13. Habitat Modification (Nesting Native Birds, Non-Hillside, or Urban Areas)**

- a. The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Wildlife Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
- b. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Wildlife Code Section 86).
- c. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
  - i. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be

conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.

- ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
- iii. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- iv. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

#### **14. Tree Removal (Public Right-of-Way)**

- a. 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. 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.

#### **15. Cultural/Historic Resources.**

- a. The performance standards of the structure monitoring plan shall include the following:
  - i. Documentation shall consist of video and/or photographic documentation of accessible and visible areas on the exterior and select interior facades of the building. A registered civil engineer or certified engineering geologist shall develop recommendations for the adjacent structure monitoring program that will include, but not be limited to, vibration monitoring, elevation and lateral monitoring points, crack monitors and other instrumentation deemed necessary to protect the historic resources from construction-related damage.

- ii. The monitoring program shall survey for vertical and horizontal movement, as well as vibration thresholds. If the thresholds are met or exceeded, or noticeable structural damage becomes evident to the project contractor, work shall stop in the area of the affected building until measures have been taken to stabilize the affected building to prevent construction related damage to historic resources.
  - iii. The structure monitoring program shall be submitted to the Department of City Planning, the Office of Historic Resources, and the Department of Building and Safety and received into the case file for the associated discretionary action permitting the project prior to initiating any construction activities.
  - iv. The Applicant shall retain a qualified vibration consultant to take vibration monitoring measurements regularly in order to assess the actual impact of vibration on adjacent structures and to incorporate and adjust techniques as necessary to reduce impact.
- b. All new construction work shall be performed so as not to adversely affect the historic designations of the Board of Trade building located immediately adjacent to the site at 111 West 7th Street, the Los Angeles Stock Exchange Building located across the alley at 610-618 South Spring Street, the Banks-Huntley Building located across the alley from the site at 634 South Spring Street, or the Bank of America Building located at 117 West 7th Street. Preconstruction surveys shall be performed to document conditions of the adjacent historic structures. The structural monitoring program shall be implemented and recorded during construction.
- c. The Applicant shall retain an experienced vibration engineer to plan for and monitor vibration impacts on the adjacent historic buildings during site clearing, earthmoving and foundation construction, and structural construction, to the extent that the adjacent historic buildings allow the Applicant to conduct monitoring within the building and to understand the baseline vibration impacts prior to site-clearing. The engineer shall insure the incorporation of maximum vibration mitigation into every phase of Project development.

#### **16. Green House Gas Emissions.**

- a. Low- and non-VOC containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the Project to reduce VOC emissions to the maximum extent practicable.
- b. To encourage carpooling and the use of electric vehicles by Project residents and visitors, at least twenty (20)% of the total code-required parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20% results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

**17. Increased Noise Levels (Demolition, Grading, and Construction Activities)**

- a. Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
- b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- d. The project contractor shall erect a minimum 8-foot high temporary noise barrier around the perimeter of the site (excluding the northern and southern property line where adequate space is not available) for the purpose of attenuating construction noise impacts. The temporary noise barrier shall be a solid surface material with a minimum of 4 pounds per square foot capable of achieving a sound attenuation of 10 dBA.

**18. Increased Noise Levels (Parking Structure Ramps).**

- 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.
- c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

**19. Increased Noise Levels.** Central HVAC systems for the project shall be placed on the podium and/or tower roof. The project shall not place individual units on balconies.

**20. Public Services (Police – Demolition/Construction Sites).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

**21. Transportation/Traffic.**

- a. The Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- b. Temporary pedestrian facilities should be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- c. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- d. The Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.



**C. Administrative Conditions**

20. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews 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.
21. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
22. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
23. **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.
24. **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.
25. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
26. **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 pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
27. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement,

- including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

1. **Transfer of Floor Area Rights Findings.** Pursuant to LAMC Section 14.5.6 B,2(a) and 4(a), in order to approve a Transfer, the Commission shall find that:
  - 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 (Project Site) is located at the southwest corner of Main Street and 6<sup>th</sup> Street, within the Historic Downtown District of the Central City Community Plan area. The site has approximately 60,819 square feet of lot area and would be permitted a maximum floor area of 364,914 square feet, or a 6:1 Floor Area Ratio (FAR). The Applicant has requested a Transfer of 186,435 square feet of floor area from the Donor Site located at 1201 South Figueroa Street (Los Angeles Convention Center), to permit a maximum 9.1:1 FAR on the Receiver Site. The properties to the north, south, and west have a land use designation of Regional Center Commercial and are zoned C2-4D, C2-2D, or C5-4D. The Project Site is located in an area which is developed with a mixture of low- to high-rise, mixed-use buildings. To the north, across 6<sup>th</sup> Street, is a surface parking lot and the Lloyd's Bank Building, a 13-story, adaptively reused, mixed-use building which is a contributor to the Spring Street Financial Historic District. To the east, across Main Street, the properties are developed with the nine-story Pacific Electric Building (a Historic Cultural Monument), a six-story building with ground floor retail, a one-story art studio building, and the 14-story Hotel Cecil, a Historic Cultural Monument. To the south, the properties are developed with the ten-story Board of Trade Building, a historic building, and the adaptively reused Bank of America Building, a contributor to the Spring Street Financial District Historic District. To the west, the properties are developed with a twenty-story building mixed-use building, the Los Angeles Stock Exchange Building, a Historic Cultural Monument containing a club, the six-story Historic Mortgage Guarantee Building containing the City Lofts apartments, the 14-story Banks-Huntley Building, a Historic Cultural Monument containing office uses, and a surface parking lot.

The site is located approximately 0.3 miles south of the Pershing Square Metro Station, which is serviced by the Metro Red and Purple Lines. The Red Line provides service between Union Station and North Hollywood, with connecting services to the Metro Orange Line. The Orange Line is a rapid bus line which provides service to Warner Center and Chatsworth. The Purple Line provides service between Union Station and Koreatown. Union Station provides access to the Metro Gold Line, as well as a number of heavy rail lines and bus lines which provide daily service to the Southern California area. While the Red and Purple Lines would provide service to the 7th Street/Metro Center Station, the site is located just 0.6 miles southeast of the station. The 7th Street/Metro Center Station is serviced not only by the Red and Purple Lines, but also the Metro Blue and Expo Lines. The Blue Line provides service from the station to Downtown Long Beach, and connecting service to the Metro Green Line. The Green Line provides services from Norwalk to Redondo Beach, and to LAX via a shuttle bus. The Expo Line provides service from the 7th Street/Metro Center Station to Downtown Santa Monica. In addition to the heavy and light rail lines, Metro operates many local and limited bus routes within reasonable walking distance (one-quarter mile) of the Project Site. Metro bus lines 2/302, 4, 10/48, 16/17/316, 18, 20, 28, 30/330, 33, 35/38, 40, 45, 51/52/351, 53, 60, 62, 66, 68, 83, 90/91, 94, 460, 720, 728, 745,

760, and 794 have stops which are located within one-quarter mile of the Project Site. In addition to the Metro local and limited bus routes, the Project Site is located within reasonable walking distance of stops for LADOT's Downtown Dash Lines D and E, and Commuter Express Lines 409 and 419, and the Gardena 1X Line. In addition to available public transit, regional access to the site is also provided by three freeways: Pasadena/Harbor Freeway (I-110/SR 110), located approximately 0.6 miles to the west; the Hollywood Freeway (US - 101), located approximately 0.8 miles to the north; and the Santa Monica Freeway (I-10) located approximately 1.2 miles to the south.

The increase in floor area generated by the proposed Transfer would allow the development of the Receiver Site to be developed with 452 residential dwelling units, of varying unit types, and 21,514 square feet of ground floor commercial area. The Project is considered an infill development within a developed and improved area of the City, which was designated for high density residential development and regional serving commercial uses by the Community Plan. The proposed Transfer would be appropriate for the Receiver Site, which would be accessible by various modes of public transportation and transit, and would be compatible with existing and proposed developments in the area, and the City's infrastructure.

**b. The Project is consistent with the purposes and objectives of the Redevelopment Plan;**

The proposed Project would be located on a Receiver Site (Project Site) that is located within the City Center Redevelopment Plan. The City Center Redevelopment Plan was adopted 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 contained in Section 105 of the Redevelopment Plan, the objectives of the Plan are the following:

*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.*

*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.*

*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.*

*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.*

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

*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.*

*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.*

*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.*

*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.*

*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.*

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

*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.*

*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.*

*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 Receiver Site is currently improved with a surface, public parking lot which is fenced and has four curb cuts along Main Street and one along 6<sup>th</sup> Street. As such, the site does not have any key landmarks nor any structures on-site of architectural, historic or cultural merit that could be adaptively reused. The Project would redevelop the site with a mixed-use building containing 452 residential dwelling units and 21,514 square feet of ground floor commercial space. Off-site improvements, as part of the Project, would include the removal of all of the curb cuts along Main Street and 6<sup>th</sup> Street, and improvement of the alley (Harlem Place). As discussed in Finding No. 1(a), the site is located in an area that is well serviced by public transit, which provides local and regional access to a variety of employment centers in and outside of the City. The proposed ground floor commercial space would provide opportunities for local employment, while providing services and amenities to the new and existing residents in the area. The proposed density would add to the housing stock, with a variety of unit types to accommodate individuals and larger households. The Project would create new opportunities for homeownership with the recordation of the associated tract map, Case No. VTT-69839-CN. It is anticipated that the new residents would shop, eat, entertain, and work at local business establishments in the area, thereby

enhancing employment opportunities and the area's tax base. As such, the Project is consistent with the purpose and objectives of the 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 area, and by contributing a total Public Benefit Payment of \$4,291,570.00 (based on a formula that includes the Transfer of 186,435 square feet) and a TFAR Transfer Payment of \$932,175 (based on the Transfer of 186,435 square feet from the Convention Center multiplied by \$5.00), in accordance with LAMC Section 14.5.10. The Public Benefit Payment consists of a 50 percent cash payment of \$2,145,785.00 to the Public Benefit Payment Trust Fund, and 50 percent of the payment for public benefits to be directly provided by the applicant, as indicated in the table below.

<b>Public Benefit Payment Transfer Plan</b>		
Total Public Benefit Payment		\$4,291,570.00
50% Public Benefit Cash Payment		\$2,145,785.00
50% Public Benefit Direct Provision		\$2,145,785.00
<b>Allocation of Public Benefit Direct Provision</b>		
Off-site Improvements (Main Street, Harlem Place, and Blackstone Court improvements)	20.61%	\$442,393.42
Deep Green (Affordable Housing and Community Development)	41.14%	\$882,696.06
Chrysalis (Job training and new jobs for the homeless)	3.55%	\$76,104.12
LANI (Broadway streetscape initiative)	64.70	\$744,591.40
Total	100%	\$2,145,785.00

**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 Receiver Site (Project Site) of the Transfer is located within the Central City Community Plan, and has a land use designation of Regional Center Commercial and is zoned C2-4D. The Community Plan describes the Transfer of Floor Area Rights (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 site is subject to Development “D” Limitation, contained in Subarea 1545 of Ordinance No. 164,307, which would limit the FAR to 6:1, unless a transfer of floor area is approved. The Transfer would reallocate 186,435 square feet of unused, allowable floor area from the Donor Site (Los Angeles Convention Center) and would permit a maximum FAR of 9.1:1 on the Receiver Site, which would be consistent with

Community Plan and other relevant policy documents which provides for a transfer of floor area up to a 13:1 FAR. As further discussed in Finding No. 2(a), the Transfer would permit the development of the Receiver Site with a Project that is consistent with the objectives and policies of the Community Plan, as well as the applicable design guide.

2. **Site Plan Review Findings.** In order for the site plan review to be granted, all three of the legally mandated findings delineated in Section 16.05 F of the Los Angeles Municipal Code must be made in the affirmative:
- a. **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 Framework Element provides guidance regarding policy issues for the entire City, as well as sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. As identified in the Figure 3-1, Metro Long Range Land Use Diagram of the Framework Element, the project site is located within an area designated as the Downtown Center. The Framework Element generally characterizes the Downtown Center as having up to a 13:1 FAR and high-rise buildings. The Framework Element contains the following relevant goals, and objectives, as it relates to Downtown Centers:

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 identifies the Downtown Center.

In addition to the goals, objectives, and policies regarding the Downtown Center, the Framework Element contains the following goals, and objectives as it relates to housing and commercial uses:

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

Objective 3.7: Provide for the 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.

GOAL 3F: Mixed-use centers that provide jobs, entertainment, culture, and serve the region.

Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the

region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

GOAL 4A: An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

Objective 4.1: Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population.

Objective 4.2: Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.

The Project Site is located within the Central City Community Plan area, which is one of 35 Community Plans that the Land Use Element of the General Plan is comprised of. The Community Plan establishes goals, objectives, and policies for future developments at a neighborhood level and is further implemented through the Los Angeles Municipal Code (LAMC). The goals, objectives, and policies of the Community Plan and the applicable regulations contained within the LAMC would permit the development of the site in a manner that is consistent with the above referenced goals and objectives of the Framework Element. The Central City Community Plan contains the following relevant objectives, and policies:

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

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 Project Site is located within the boundaries of the Historic Downtown District of the Community Plan area. The Project Site, which is designated by the Community Plan for Regional Center Commercial land uses, is zoned C2-4D. As the site is located within a designated regional center, the C2 Zone would permit one dwelling unit per 200 square feet of lot area for a mixed-use project. However, the site is also located within the boundaries of the Greater Downtown Housing Incentive Area, which was established to incentivize the development of housing. As such, the properties which are located within the boundaries of the Incentive Area are not subject to the minimum square foot per lot area regulations of the zone. The Project proposes to develop the site with a 38-story, mixed-use building with 452 residential dwelling units and approximately 21,514 square feet of ground floor commercial uses. As proposed, the Project would be consistent with Objective 2-4 by providing new housing opportunities within the Historic Downtown District and by providing ancillary commercial uses. The commercial space would serve to provide services and amenities to the new and existing residents, as well as employees in the area. The proposed dwelling units would consist of 11 studio units, 110 one-bedroom units, 320 two-bedroom units, and 11 three-bedroom units. The variety of unit typologies would provide a range of housing choices for existing and future residents of the Downtown area, consistent with Objective 1-2.



The Housing Element contains goals and objectives to encourage the development of “an adequate supply of rental and ownership housing” (Objective 1.1), as well as to “facilitate new construction and preservation of a range of different housing types that address the particular needs of the city’s households” (Policy 1.1.3). On June 6, 2017, the Advisory Agency approved incidental Case No. VTT-69839-CN for one master ground lot and two airspace lots for a maximum of 452 residential condominium units and fifteen commercial condominiums. As proposed, the mixed-use development would meet the objectives and policies of the Housing Element of the General Plan by providing a variety of unit types to accommodate individuals and households, and new homeownership opportunities. Additionally, the Housing Element contains the following goals, objectives, and policies:

GOAL 2: Safe, Livable, and Sustainable Neighborhoods.

Objective 2.1: Promote safety and health within neighborhoods.

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

Objective 2.3: Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.

Policy 2.3.3: Promote and facilitate the reduction of energy consumption in new and existing housing.

The Project proposes, and has been conditioned, to install 1,614 square feet of solar panels. The installation of solar panels will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions. Additionally, as the Project Site is located along designated Avenue II and Modified Avenue III streets, the project has been conditioned to require the installation of sound proof windows to reduce noise from the street. As such, the project is consistent with Goal 2 of the Housing Element and aforementioned objectives and policies.

The Project would be required to dedicate land and improve the sidewalk along Main Street, in conformance with the Street Standards of an Avenue II street, consistent with the Mobility Element. No further dedications or improvements are required for 6<sup>th</sup> Street. In addition to establishing Street Standards, the Mobility Element encourages “the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure” (Policy 5.4). The Project proposes to provide the required 480 automobile parking spaces and an additional 380 automobile parking spaces. The Project has been conditioned to compliance with the Green Building Code and for a minimum of 20 percent of the excess, non-required, parking to be wired for the future installation of EV Chargers. As conditioned, the Project would be able to provide a service to local residents and employees in the area, while encouraging the use of low and zero emission fuel sources and the infrastructure to support it. Additionally, the project would comply with existing Green Building codes, which were adopted to help facilitate the reduction of energy consumption.

- 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 collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

As described in Finding No. 1(a), the Project Site is adjacent to a number of adaptively reused buildings which range from low- to high-rise buildings and surface parking lots within the Historic Downtown District. The Project proposes to develop the site with a 38-story, mixed-use building with 452 dwelling units and 21,514 square feet of commercial space. The first six stories would consist of the ground floor commercial tenant spaces and residential dwelling units wrapped around the six levels of above grade parking. The seventh story would provide outdoor common open space, as well as dwelling units located along the Main Street and 6<sup>th</sup> Street elevations. The remaining units would be located within the residential tower, with additional open space provided on the 38<sup>th</sup> floor. As the Project Site is located within the Greater Downtown Housing Incentive area, the Project has been designed in accordance with the Downtown Design Guide and as described below, would be compatible with the existing and future development on adjacent and neighboring properties.

#### Building Arrangement (height, bulk and setbacks)

As previously discussed, the Project Site is located within the Historic Downtown District. Within the Historic Downtown District, all streets are designated as Retail Streets and would be permitted to provide a setback ranging from zero to three feet, as indicated in Figure 3-1 and Table 3-2 of the Downtown Design Guide. Along Main Street, the majority of the building would observe a zero-foot setback. Minor setbacks are proposed for the entryway to the residential lobby and two of the residential tenant spaces to provide articulation and breaks along the 420-foot long façade. Zero-foot setbacks are proposed along 6<sup>th</sup> Street and the alley. As proposed, the building would be consistent with Section 3.B of the Guide as it relates to building setbacks.

As the proposed building would have a maximum of 38 stories, the Downtown Design Guide characterizes the Project as a High-Rise building. The first six stories of the building are proposed to cover the entire site. Dwelling units are proposed along the Main Street and 6<sup>th</sup> Street elevations on the seventh story, and the proposed residential tower would be setback a varying distance of 20 to 28 feet from the Main Street elevation, approximately 119 feet from 6<sup>th</sup> Street elevation, approximately 40 feet from the alley, and approximately 52 feet from the southern property line. The street wall along both street frontages are proposed at six to seven stories and do not require breaks for driveways as vehicular access would be provided from the alley. As conditioned, the Project would be consistent with Downtown Design Guide as it relates to development within the Historic Downtown District along designated Retail Streets.

#### Off-Street Parking Facilities and Loading Areas

The Project proposes to provide the required 480 automobile parking and 380 additional, non-required, public parking spaces. The Project Site is located within the Adaptive Reuse Incentive Area and is located within the vicinity of buildings which have been adaptively reused for residential purposes. A number of the buildings were built with little to no parking on-site and were not required to provide parking as part of the conversion. As the Project would remove an existing public parking lot with 239 parking spaces, the additional parking spaces are anticipated to serve tenants of the nearby adaptively reused buildings. Although the residential dwelling units are proposed as condominiums, the Project has been conditioned to require that parking spaces are sold or rented separately from the residential dwelling units, as well as for the commercial tenant spaces. The parking spaces would be located within one subterranean level and six above-grade levels of parking. As the project would exceed the three levels of above grade parking, the ground floor and mezzanine level of the

parking structure would be lined with the commercial tenant spaces and floors two through five would be lined with residential dwelling units along Main Street and 6<sup>th</sup> Street. The parking structure would be accessible from two driveways located along the alley. The proposed loading area would be accessible from the alley. As proposed, the Project would be consistent with the Section 5 of the Guide as it relates to the Parking and Access.

### Lighting

The proposed plans do not indicate a lighting plan; however, Condition No. 10 of the Conditions of Approval would ensure that the installation of lights would not result in a substantial amount of light that would adversely affect the day or night time views in the project vicinity.

### Landscaping

As proposed, the Project is required to provide 54,025 square feet of open space. The Project will provide 40,370 square feet of common open space and 20,850 square feet of private open space, for a total of 61,220 square feet. LAMC Section 12.21 G, 25 percent of the common open space, 9,664 square feet, is required to be landscaped, and a minimum of one tree per four dwelling units, 113 trees, is required. The Project proposes to provide 10,059 square feet of landscaped area and 119 trees. As indicated on Page A0.10, LC 2-3, and LP 2-3, the outdoor common open space will be provided on the 7<sup>th</sup> floor and on the 38<sup>th</sup> floor. The proposed trees would be planted throughout the two outdoor common open space areas. The Project has been conditioned to meet the planting standards of the Guide, as found in Section 9-H, unless otherwise prohibited by the Urban Forestry Division, Bureau of Public Works.

### Trash Collection

The Project proposes to provide a trash and recycling area within the building. The common area for the collection would be located within the parking area on the ground floor towards to the rear of the site. Access to the trash and recycling area would be provided from Harlem Place, the alley.

### Fences and/or Walls

The proposed project does not incorporate fences and/or walls.

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

The project proposes to provide a variety of unit types which include: 11 studios, 110 one-bedroom units, 320 two-bedroom units, 11 three-bedroom units. Pursuant to LAMC Section 12.21 G, the project would be required to provide 54,025 square feet of open space and 113 trees. Pursuant to LAMC Section 12.22 C,3, the project is not required to prescribe a percentage of open space for either common or private open space. The project proposes to provide 20,850 square feet of private open space through private balconies and 40,370 square feet of common open space, for a total of 61,220 square feet of open space. The project would include a 28,115 outdoor amenity deck on the 7<sup>th</sup> floor, which would include seating and game areas, and an outdoor common area on the 38<sup>th</sup> floor. The 38<sup>th</sup> floor amenities would include a pool deck, a covered bar lounge area, as well as a gym. Landscaping will be provided through the outdoor areas and would include the planting of 119 trees. Additionally, as

conditioned, the project would comply with Green Building Code as it relates to the installation of wiring for EV Chargers and provide an additional 20 percent of wiring for excess, non-required parking spaces and would install operational photovoltaic system (solar) that will offset the electrical demand of the EV chargers and other on-site electrical uses. The immediate installation of the charging stations and solar would be in excess of building code requirements. The electric vehicle charging spaces and solar panels will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions and fuel consumption from the project site, in spite of increased parking capacity, through encouraging the use of low or zero emission vehicles. The EV ready parking spaces will also provide residents who use an electric vehicle a direct service amenity. As proposed, the project would provide recreational and service amenities which would improve habitability for its residents and minimize impacts on neighboring properties.

### **Environmental Findings**

- 3. Environmental Finding.** A Mitigated Negative Declaration (MND), along with mitigation measures and a Mitigation Monitoring Program (ENV-2014-2907-MND), was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA). Two comment letters were received from the Los Angeles Conservancy. The first letter, dated October 19, 2016, cited concerns regarding acceleration of new, high-rise development in Downtown Los Angeles, proposed new construction within and immediately adjacent to Downtown Historic Core should be in compliance with the Downtown Design Guide, and cumulative impacts should be analyzed. In a subsequent letter dated January 25, 2017, the Los Angeles Conservancy stated that they have been in conversation with the applicant and that the applicant's thorough environmental analysis and efforts have addressed their concerns. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND there is no substantial evidence that the proposed project will have a significant effect on the environment. A third letter, dated November 9, 2016, was submitted by Holland & Knight on behalf of the applicant. The letter provided further discussion regarding the project site's location and previous review that had been completed which support the findings of the MND and that there is no substantial evidence that would require an EIR. The attached Mitigated Negative Declaration reflects the lead agency's independent judgement and analysis. The records upon which this decision is based are with the Environmental Review Section of the City Planning Department in Room 750, 200 North Spring Street.
- 4. Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.