

FINDINGS

As modified by the Planning and Land Use Management Committee on May 28, 2019

FINDINGS OF FACT (CEQA)

- 1. Environmental Finding.** The City of Los Angeles, as the Lead Agency, prepared a Sustainable Communities Environmental Assessment (SCEA), Case No. ENV-2019-1792-SCEA, for the proposed Project located at 1000 South Hill Street (1000-1034 South Hill Street and 200-226 West Olympic Boulevard) for the construction, use, and maintenance of a 60-story, mixed-use, high-rise building with 700 residential dwelling units, 15,000 square feet of ground floor commercial/retail space, and 1,075 vehicular parking spaces and 786 bicycle parking spaces.

After conducting a public hearing on the matter on May 28, 2019 (CF 18-1206), the Planning and Land Use Management (PLUM) Committee of the City Council considered all comments received regarding the SCEA and the Project, and adopted the SCEA and MMP pursuant to Public Resources Code (PRC) Section 21155.2(b)(6) finding that the Project is a "Transit Priority Project" as defined by PRC Section 21155, specifically:

- (a) The Project is consistent with the general use designation, density, building intensity, and applicable policies specified in the project area in the current SCAG RTP/SCS.
- (b) The Project contains at least 50 percent residential use, based on total building square footage, and if the project contains between, 26 percent and 50 percent non-residential uses, a floor area ratio of not less than 0.75;
- (c) The Project provides a minimum net density of at least 20 dwelling units per acre;
- (d) The Project is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan, consistent with PRC Section 21155(b).

The Transit Priority Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including the SCAG 2016-2040 RTP/SCS (Regional Transportation Plan/ Sustainable Communities Strategy) EIR SCH No. 20150311035; finding that all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; and finding that with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the Project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

The SCEA was published on April 4, 2019 and the comment period ended on May 6, 2019. During the public review period, three comment letters were submitted to the City from two public agencies (South Coast Air Quality Management District and Metro) and one special interest organization (Housing Is A Human Right). All comments received, as well as responses to those comments submitted by Parker Environmental Consultants on May 23, 2019, can be found in the administrative record.

The South Coast Air Quality Management District (SCAQMD) provided comments acknowledging that the Project's construction activities would result in less than significant air quality impacts, but further recommending additional mitigation measures (ie., the use of Tier 4 Construction Equipment or Level 3 Diesel Particulate Filters). However, CEQA Guidelines 15126.4 states that "mitigation measures are not required for effects which are not found to be significant." SCAQMD's recommendation to mitigate impacts that have been found to be less than significant is not consistent with CEQA or relevant case law. Additionally, SCAQMD recommends discussion on compliance with SCAQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). However, the Project includes the demolition of an existing surface parking lot, and there are no existing structures located on the Project Site. As such the Project would not have the potential to generate any asbestos emissions during demolition or construction.

Metro provided comments regarding the existing Metro Bus stop located directly adjacent to the Project Site at South Hill Street and West Olympic Boulevard and recommends that the City study whether vehicular conflicts will occur from the completed Project and if bus service rerouting or bus stop relocation is proposed. Metro comments that the existing Metro Bus stop must be maintained or relocated both during construction and after construction. As required by modified Mitigation Measure T-3, a Construction Management Plan will be prepared and approved by LADOT prior to construction. The applicant will be required to consult with public transit service providers, including LADOT and Metro, who have bus stops adjacent to the site during this preparation of the Construction Management Plan to coordinate the temporary relocation of this bus stop prior to construction.

Housing Is A Human Right provided comments asserting that the Project is in violation of the Community Redevelopment Agency (CRA) City Center Redevelopment Plan as the Plan Area does not provide 15 percent affordable housing area wide. However, the City Center Redevelopment Plan does not provide any affordable housing mandates for new development projects. The provisions of Section 409.2 of the Redevelopment Plan directs the CRA and City to allocate 20 percent of the tax revenue derived from the Project toward affordable housing. The Redevelopment Plan does not, however, provide any specific mandates requiring the Project to provide affordable housing on-site. Notwithstanding the fact there is no affordable housing requirement for the Plan area, it should be noted that the Proposed Project is seeking a Transfer of Development Rights (TFAR) which requires a Public Benefit Payment, the payment of which could be used to increase affordable housing within the Plan area through the City's Affordable Housing Trust Fund. As such, the City may authorize some portion of the payment derived from the Public Benefit Payment to be directed towards affordable housing programs.

Pursuant to Public Resources Code Section 21155.2, the City Council has considered the SCEA and all comments on the SCEA and the Project received during and after the public review process and responses thereto, and other pertinent evidence in the record, and in its independent judgment, finds that the SCEA properly identifies all potential impacts of the Projects and that those impacts have been mitigated, that the Project Site is located within a Transit Priority Area as defined by Public Resource Code (PRC) Section 21099(a)(7); find that the mitigation measures have been incorporated as enforceable conditions of the Project, and the adopted Mitigation Monitoring Program, to mitigate or avoid significant effects of the proposed Project on the environment and to ensure compliance during Project implementation; and find that none of the information submitted constitutes significant new information, including but not limited to testimony at the public hearings on the Project or information contained in the appeals of the Project's approval of Case No. VTT-74760, and that any such information or testimony does not constitute

substantial evidence of a significant impact, or a feasible mitigation measure not already included in the SCEA. In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures in the SCEA as conditions of approval for the Project.

FIND, pursuant to Public Resources Code (PRC) Section 21155.2, after consideration of the whole of the administrative record, including the SB 375 Sustainable Communities Environmental Assessment, No. ENV-2019-1792-SCEA ("SCEA"), and all comments received, after imposition of all mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; FIND that the City Council held a hearing on and adopted the SCEA on May 28, 2019 pursuant to PRC Section 21155.2(b); FIND the Project is a transit priority project pursuant to PRC Section 21155 and the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including SCAG's 2016-240 RTP/SCS EIR SCH No. 2015031035; FIND all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; FIND with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the Project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; FIND the SCEA reflects the independent judgment and analysis of the City; FIND the mitigation measures have been made enforceable conditions on the project; and ADOPT the SCEA and the Mitigation Monitoring Program prepared for the SCEA.

No additional environmental review is required for the City Council to approve and adopt the requested discretionary action, Case No. VTT-74760-1A, for the Project; and incorporates the CEQA Findings made pursuant to PRC Section 21081 and Mitigation Monitoring Program adopted by the City Council by reference. Consistent with the PRC Section 21081.6(a)(2), the records upon which this decision is based are located in the Department of City Planning Offices at 200 North Spring Street, Room 621, Los Angeles, California 90012.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract No. 74760, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The project site is located within the Central City Community Plan, which establishes goals, objectives, and policies for future development at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the Los Angeles Municipal Code (LAMC). The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the

zoning regulations applicable to the project site. The project site is located within the Central City Community Plan, which designates the site with a High Density Residential land use designation. The land use designation lists the R5 Zone as the corresponding zones. The Project Site is zoned [Q]R5-4D-O, which is consistent with the land use designation. The project site has approximately 50,611 gross square feet of lot area and is located within the Greater Downtown Housing Incentive Area. The site is not subject to any density restrictions but is limited to a FAR of 6:1 per the "D" Limitations contained in Ordinance No. 164307 (SA2645). The project is seeking a Transfer of Floor Area Rights (TFAR) for the approximate amount of 354,277 square feet of floor area to the Project site, permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area.

In addition to LAMC Section 17.05 C, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. The tract map was prepared by Lawrence Wilson, Licensed Land Surveyor with the State of California (No. 6712), and contains information regarding the boundaries of the project site, as well as the abutting public rights-of-way, existing and proposed dedication, and improvements of the tract map. The tract map indicates the tract number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. Therefore, the proposed map demonstrates compliance with LAMC Sections 17.05 C, 17.06 B, and 12.22 C.27 and is consistent with the applicable General Plan.

- (b) THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Design refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout. Pursuant to Section 66427(a) of the Subdivision Map Act, the location of the buildings is not considered as part of the approval or disapproval of the map by the Advisory Agency. Easements and/or access and "improvements" refers to the infrastructure facilities serving the subdivision. LAMC Section 17.05 enumerates the design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the project site. The Project Site is zoned [Q]R5-4D-O, which is consistent with the land use designation. The project site has approximately 50,611 square feet of gross lot area and is located within the Greater Downtown Housing Incentive Area. The site is not subject to any density restrictions but is limited to a FAR of 6:1 per the "D" Limitations contained in Ordinance No. 164307 (SA2645). The project is seeking a Transfer of Floor Area Rights (TFAR) for the approximate amount of 354,277 square feet of floor area to the Project site, permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area.

The tract map was distributed to and reviewed by the various city agencies of the Subdivision Committee that have the authority to make dedication, and/or improvement recommendations. The Bureau of Engineering reviewed the tract map for compliance with the Street Design Standards. The Bureau of Engineering has recommended improvements to the public right-of-way along Olympic Boulevard and Hill Street, consistent with the standards of the Mobility Element and Downtown Street Standards. In addition, the Bureau of Engineering has recommended all necessary street improvements be made to comply with the Americans with Disabilities Act (ADA) of 2010. The Bureau of

Street Lighting has requested that new street lights be installed on Olympic Boulevard and Hill Street. As conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT.

The project site consists of seven contiguous lots totaling approximately 50,611 gross square feet (1.16 acres) in area. The site has approximately 145 feet of frontage along the southerly side of West Olympic Boulevard and approximately 350 feet of frontage along the easterly side of South Hill Street. The property is currently developed with a surface parking lot. The site is zoned [Q]R5-4D-O and is located within the Central City Community Plan, which designates the site for Low High Density Residential land uses. The site is not located within a Specific Plan area, but is located within the Greater Downtown Housing Incentive Area, Adaptive Reuse Incentive Area, City Center Redevelopment Project Area, Transit Oriented Communities (Tier 3), Methane Zone, and Los Angeles State Enterprise Zone.

The Project is the demolition of an existing surface parking lot and the construction, use, and maintenance of a 60-story mixed-use building (760 feet in height) with 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail space. The Project includes 657,943 square feet of floor area on the 50,611 gross square-foot site, resulting in a Floor Area Ratio (FAR) of 13:1. The Project proposes a total of 1,075 vehicle parking spaces within seven subterranean levels and Levels One through Four above grade. A total of 708 long-term and 78 short-term bicycle parking spaces are proposed, along with approximately 86,976 square feet of open space and amenity areas for residents on the site. Seven street trees would be removed from the public right-of-way; 184 new trees are proposed, including 42 street trees.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division, prior to the recordation of the map and issuance of any permits. Therefore, the site will be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The adjacent property to the north, across Olympic Boulevard, is zoned [Q]R5-4D and developed with a vacant one-story mini-shopping center. The adjoining property to the south is zoned [Q]R5-4D and developed with the Mayan Theater. The adjacent properties to the east, across the public alley, are zoned C2-4D-O-SN and developed with one-story commercial buildings and a 12-story commercial office building. The adjacent properties to the west, across Hill Street, are zoned [Q]R5-4D-O and developed with a commercial corner building and a surface parking lot. The site is located approximately 3,500 feet (0.7 miles) from Interstate 110 to the west and Interstate 10 to the east.

The project entails the construction of a 60-story mixed-use building (760 feet in height) with 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail space. The project site has approximately 50,611 square feet of gross lot area and is located within the Greater Downtown Housing Incentive Area. The site is not subject to any density restrictions but is limited to a FAR of 6:1 per the "D" Limitations contained in Ordinance No. 164307 (SA2645). The project is seeking a Transfer of Floor Area Rights (TFAR) under incidental Case No. CPC-2016-4710-TDR-MCUP-SPR for the approximate

amount of 354,277 square feet of floor area to the Project site, permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area. Additionally, prior to the issuance of a demolition, grading, or building permit, the project would be required to comply with conditions herein and applicable requirements of the LAMC. As conditioned the proposed tract map is physically suitable for the proposed density of the development.

- (e) THE DESIGN OF THE SUBDIVISION OR THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The project site, as well as the surrounding area, are presently developed with structures and do not provide a natural habitat for either fish or wildlife. Any demolition, grading, and construction will be conducted per the requirements of the Los Angeles Municipal Code and associated permits needed to perform such work. These permits also restrict work hours to mitigate noise pollution.

- (f) THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appears to be no potential public health problems caused by the design or improvement of the proposed subdivision. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet statewide ocean discharge standards.

The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

As required by LAMC Section 12.03, the project site has a minimum of 20 feet of frontage along Olympic Boulevard and Hill Street, which are public streets. The project site consists of parcels identified as Lots 9, 10, and 12-15 of the E.H. Workman Tract and Lot A of Tract No. 1814 and is identified by the Assessor Parcel Map Nos. 5139-013-003, 5139-013-004, 5139-013-005, 5139-013-006, 5139-013-015, 5139-013-017, and 5139-013-018. There are no known easements acquired by the public at large for access through or use of the property within the proposed subdivision, as identified on the tract map. Necessary easements for utilities will be acquired by the City prior to the recordation of the proposed parcel map.

Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements. Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Tract No. 74760.