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June 13, 2019

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

APPEAL RESPONSE FOR THE FIG & 8TH PROJECT APPEALS; CF 19-0258 / 19-0258-S1

On November 16, 2018, the Advisory Agency certified the Fig & 8th Project Environmental Impact Report (ENV-2016-1951-EIR) and approved Vesting Tentative Tract Map No. 74197 in connection with the proposed Fig & 8th Project, for a mixed-use development consisting of 438 residential units and approximately 7,493 square feet of ground floor commercial retail and restaurant uses.

On November 26, 2018, the Advisory Agency action was appealed in whole by the Southwest Regional Council of Carpenters, represented by Nicholas Whipps, Wittwer Parkin LLP; and Coalition for Responsible Equitable Economic Development (CREED LA), represented by Laura del Castillo, Adams Broadwell Joseph & Cardozo (Tract Appeal), the latter of which later withdrew their appeal. Both appeals claimed that the EIR fails to comply with the California Environmental Quality Act (CEQA).

The Department of City Planning responded to the Tract Appeal in an Appeal Report dated January 24, 2019 (Appeal Report). The Appeal Report and all associated documents were presented to the City Planning Commission (CPC) at its meeting of January 24, 2019, who, following its consideration of the materials and oral testimony, denied the Tract Appeal, sustained the actions of the Advisory Agency in certifying the EIR and in approving Vesting Tentative Tract Map No. 74197; and approved the related case for the project, Case No. CPC-2016-1950-TDR-SPR, certified the EIR, and recommended that the City Council approve the Transfer of Floor Area Rights (TFAR) Transfer Plan to approval of a Transfer of Floor Area Rights (TFAR) from the Los Angeles Convention Center (Donor Site) located at 1201 South Figueroa Street, for up to 122,480 square feet to the Project Site (Receiver Site), thereby permitting a maximum 8.43:1 FAR, in lieu of the otherwise permitted maximum 6:1 FAR; and approved Site Plan Review for the Project.

On March 6, 2019, the same Appellant, Southwest Regional Council of Carpenters, represented by Nicholas Whipps (Appellant 1) filed identical appeals on both Case Nos. CPC-2016-1950-TDR-SPR and VTT-74197-1A. The appeals again claim that the EIR fails to comply with CEQA

and rely on the same arguments and information as presented in the Appellant's previous letters to the City; in addition to asserting that the appropriate entitlement findings were not made and that the City failed to evaluate the consistency of the Project with applicable zoning regulations. The City has already adequately provided detailed and full responses and/or previous discussions pertaining to each of the appeal points, supported by substantial evidence in the record, in the April 26, 2018, the Final EIR, dated October 12, 2018, and the Appeal and CPC Staff Recommendation Reports, both dated January 24, 2019.

On March 7, 2019, the Project Applicant, MFA 8th & Fig LLC, represented by Donna Tripp, Craig Lawson & Co., LLC (Appellant 2) filed identical appeals on both Case Nos. CPC-2016-1950-TDR-SPR and VTT-74197-1A, contesting the Conditions of Approval added by the City Planning Commission at its meeting on January 24, 2019.

Following is a summary of the respective Appellants' appeal points and staff's response.

APPELLANT 1: SOUTHWEST REGIONAL COUNCIL OF CARPENTERS

Appeal Statement 1-1

Inaccurate and Unstable Project Description

An accurate and stable Project Description is "the *sine qua non* of an informative and legally sufficient EIR" (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185,193).

The City erroneously presents mitigation measures as aspects of the proposed Project. These include mitigation for impacts to aesthetics, greenhouse gas, noise, public services and traffic, which the City claims are "project design features" (DEIR, pp I-38-42). While the City states these are components of the Project, the City presents these as though they were mitigation measures throughout the EIR. These features are presented in the same location as mitigation measures and otherwise meet the definition of "mitigation" (14 Cal. Code Regs § 15370). The City failed to correctly identify these as mitigation measures and further failed to properly disclose pre-mitigation Project impacts in these categories of environmental impacts. Incorrectly identifying these project design features as something other than mitigation fails to provide decision makers and the public with an accurate, stable, and finite Project Description (14 Cal. Code Regs § 15126 (lead agency must consider and discuss environmental impacts)).

Staff Response 1-1

The Project Description included in the EIR is clear and accurate. Furthermore, the existing setting is clearly defined and impacts are thoroughly evaluated within each of the impact analysis sections contained in Chapter IV of the Draft EIR. The Project Design Features (PDFs) included throughout the EIR are features that would be implemented as part of the Project and therefore have been included as part of the Mitigation Monitoring Program (MMP). As such, the PDFs are not considered mitigation measures and appropriately included as part of the impact analysis for the Project.

Appeal Statement 1-2a

Inadequate Discussion of Air Quality Impacts

The City states it is in non-attainment for 1-hour ozone, 8-hour ozone, 24-hour PM₁₀, annual PM₁₀, 24-hour PM_{2.5}, Annual PM_{2.5}, and lead (DEIR, p. IV.B-3). Regardless, in its DEIR, the City claims the Project would not result in cumulatively significant impacts regarding any of these criteria

pollutants because a project cannot have significant cumulative air quality impacts unless the City determines the Project surpasses significance thresholds promulgated for direct and indirect impacts (DEIR, p. IV.B-45-46). Further, while the City's DEIR initially claimed impacts from NO_x (a precursor to ozone) would be cumulatively significant, it revised this conclusion in its FEIR (DEIR, p.IV.B-43, FEIR, p. II-22).

While the City claims SCAQMD adopted the above-referenced cumulative impacts threshold, SCAQMD has never done so. Regardless, the City cannot rely on a threshold that runs counter to the definition of "cumulative impacts." CEQA Guidelines define "cumulative impacts" as "two or more individual effects, [which] when considered together, are considerable or which compound or increase other environmental impacts." (14 Cal. Code Regs. § 15355.) Critically, "cumulative impacts can result from *individually minor but collectively significant projects* taking place over a period of time." (14 Cal. Code Regs. § 15355 (emphasis added)) Thus, the City fails to properly analyze the significant cumulative impacts of the Project.

Staff Response 1-2a

The definition of a cumulative impact is included on pages III-3 through III-6 in Section III, Environmental Setting, of the Draft EIR. The Draft EIR appropriately uses specific analyses for each cumulative analysis impact category. The Southern California Air Quality Management District (SCAQMD) guidance regarding air quality cumulative impact methodology is explained below and does not require an analysis comparing the Project's emissions in combination with other Project emissions against the significance thresholds.¹

The SCAQMD shares responsibility with California Air Resources Board (CARB) for ensuring that all federal and state ambient air quality standards are achieved and maintained throughout all of Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties. SCAQMD has developed methodologies and thresholds of significance that are widely used by lead agencies throughout the air basin. As set forth in the Los Angeles CEQA Thresholds Guide, the City adopted the SCAQMD thresholds to assess the significance of a project's project-specific and cumulative air quality impacts. SCAQMD's White Paper on Potential Control Strategies to Address Cumulative Impacts From Air Pollution prepared in August 2003 specifically states:

The AQMD, as Lead Agency, complies with all cumulative impact analysis requirements when preparing CEQA documents. As a Commenting Agency, the AQMD recommends that other public agencies perform cumulative impact analyses relative to air quality in the same manner as does AQMD. As Lead Agency, the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR [...] Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.²

The cumulative analysis of air quality impacts within the Draft EIR appropriately follows SCAQMD's specified methodology that has been recommended for evaluation of cumulative air quality impacts by the City. As the Project would not exceed any of the SCAQMD's regional or

1 Email Correspondence with Jillian Wong, SCAQMD, dated August 8, 2016.

2 White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution. Appendix D, South Coast Air Quality Management District, August 2003.

localized significance thresholds with implementation of mitigation measures, the emissions of non-attainment pollutants and precursors generated by Project, construction and operation would not be cumulatively considerable.

Appeal Statement 1-2b

Further, the City erroneously failed to recirculate the EIR after the addition of significant new information (14 Cal. Code Regs. § 15088.5(a)). As mentioned in the DEIR, the City determined Project NO_x emissions would be individually and cumulatively significant and unavoidable (DEIR, p. IV.B-43). However, in the FEIR, the City added a new mitigation measure, AIR-MM-5, which reduced the number of daily haul truck trips “from 200 hauls per day to 135 hauls per day. The duration of the excavation phase would be extended from 3.5 months to 5.5 months in order to remove the required amount of soil with fewer hauls per day.” (FEIR, p. II-22.) According to the City, adoption of this mitigation measure would reduce this impact from 140 pounds per day to 99 pounds per day—immediately below the NO_x emissions significance threshold of 100 pounds per day (FEIR, p. II-22).

The addition of this new mitigation measure represents significant new information requiring recirculation because this mitigation measure caused the City to significantly revise a conclusion in the DEIR, from “significant and unavoidable” to “less than significant”. Further, the City failed to evaluate the impacts of this mitigation measure, which will serve to exacerbate other Project impacts by increasing their duration. For instance, in the DEIR, the City found Project-related noise resulting from construction hauling is cumulatively significant and unavoidable (DEIR p. IV.E-50, 55, 62). Thus, the implementation of this mitigation measure, which will increase the duration of truck hauling by 57 percent (from 3.5 months to 5.5 months) will serve to exacerbate these significant and unavoidable Project noise impacts. Finally, recirculation is especially fitting where, as here, the City relies on this mitigation measure to just barely reduce Project impacts to less than significant—the highest possible Project emissions that can be found less than significant—to reject as unnecessary all feasible mitigation measures proposed by SCAQMD. The City’s failure to recirculate the EIR despite this addition of significant new information violates CEQA.

Staff Response 1-2b

Implementation of Mitigation Measure AIR-MM-5 would reduce the significant regional construction NO_x impact to a less-than-significant level. However, as demonstrated in the Final EIR, no new significant information (as defined by CEQA Guidelines Section 15088.5) that would require recirculation of the Draft EIR has been identified. Conditions that require recirculation would include changes to the Project that would result in new significant impacts, increase in the severity of impacts, or not adopting feasible mitigation measures or alternatives. Specifically, upon review and analysis of all of the comments received regarding air quality impacts, there are no new significant or substantially increased environmental effects from the Project or from a mitigation measure that were identified subsequent to circulation of the Draft EIR. Furthermore, implementation of AIR-MM-5 would serve to reduce impacts and not increase the severity of an impact. Neither the comments submitted on the Draft EIR nor the responses contained herein constitute new significant information warranting the recirculation of the Draft EIR, as set forth in CEQA Guidelines Section 15088.5. Therefore, the Draft EIR has been prepared in accordance with CEQA and provides a comprehensive analysis of the environmental impacts of the Project.

Regarding potential noise impacts from implementation of Mitigation Measure AIR-MM-5, the Draft EIR analyzed a maximum of 200 construction trucks coming to and from the Project Site (equal to 400 total trips) per day. The hourly truck trips were calculated based on an eight-hour period (typical workday) and a uniform distribution of trips, which would result in a maximum of

50 truck trips per hour. In addition, there would be a total of 50 worker trips to and from the Project Site on a daily basis during the grading phase. Table IV.E 12 on page IV.E-31 of the Draft EIR provided the estimated noise levels along the anticipated haul route(s) in which the noise levels generated by construction trucks would be consistent with the existing daytime ambient noise levels along the anticipated haul route(s) and therefore would be below applicable 5 dBA significance criteria. Mitigation Measure AIR-MM-5 would further reduce these less-than-significant noise impacts since the number of peak daily hauls would be reduced from 200 to 135 hauls (approximately 34 truck trips per hour).

This Appellant's statement correctly identifies that the Draft EIR conservatively concluded that Project-related noise resulting from construction hauling would be cumulatively significant and unavoidable. Specifically, the Draft EIR concluded that the Project would contribute up to 50 hourly haul trips to the haul route and that, in the event hauling from the related projects would occur concurrently on this haul route in excess of 168 hourly haul trips, a cumulative impact would occur. As such, the Project would represent approximately 30 percent (i.e., 50/168) of a potential cumulative noise impact and would be reduced to 20 percent (i.e., 34/168) of the potential impact with implementation of Mitigation Measure AIR-MM-5. Based on this information, the increase in the duration of haul would not increase the severity of the impact and no additional analysis is warranted.

Appeal Statement 1-3a

Improper Greenhouse Gas Impacts Analysis

"In the absence of any adopted, quantitative threshold," the City claims that it appropriately relied on a qualitative analysis of consistency with plans not adopted by the City and that were not designed to address greenhouse gas impacts or to be applied at the project-level.

The City is incorrect to assume its reliance on a purely qualitative impacts threshold was informative or adequate in this situation (Cal. Natural Resources Agency, Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97, pp. 23–24 (stating that, for large projects, "a lead agency may find it difficult to demonstrate a good faith effort through a purely qualitative analysis"); *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Cal.App.4th 1344, 1370 (agency must make a good faith effort at disclosing greenhouse gas impacts)). The City's environmental review addresses greenhouse gas impacts arising from a massive project, including dozens of stories, hundreds of dwelling units, and thousands of square feet of commercial space. Under these circumstances, reliance on a purely qualitative threshold of significance cannot be seen as a good-faith attempt at disclosing Project impacts, as required by CEQA (14 Cal. Code Regs. § 15064.4(a)). Furthermore, the City's qualitative review of several plans and policies is confusing, uninformative, and does not serve to adequately inform the reader of the Project's impacts on the environment, and this approach does not clearly explain what mitigation, if any, could be used to address any Project impacts (14 Cal. Code Regs. § 15064.4).

Staff Response 1-3a

Section 15064.4 of the CEQA Guidelines recommends that lead agencies quantify Greenhouse Gas (GHG) emissions of projects and consider several other factors that may be used in the determination of significance of GHG emissions from a project: the extent to which the project may increase or reduce GHG emissions; whether a project exceeds an applicable significance threshold; and the extent to which the project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs.

CEQA Guidelines Section 15064.4 does not establish a threshold of significance; therefore, lead agencies have the discretion to establish significance thresholds for their respective jurisdictions, and in establishing those thresholds, a lead agency may appropriately look to thresholds developed by other public agencies, or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), as long as any threshold chosen is supported by substantial evidence (CEQA Guidelines Section 15064.7(c)). The CEQA Guidelines also clarify that the effects of GHG emissions are cumulative, and should be analyzed in the context of CEQA's requirements for cumulative impact analysis (CEQA Guidelines Section 15130(f)). As a note, the CEQA Guidelines were amended in response to Senate Bill (SB) 97, in particular, to specify that compliance with a GHG emissions reduction plan renders a cumulative impact insignificant.

CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of less than significant for GHG emissions if a project complies with adopted programs, plans, policies and/or other regulatory strategies to reduce GHG emissions. In the absence of any adopted numeric threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. As a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2016–2040 RTP/SCS, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals. This analysis also considers consistency with regulations or requirements adopted by the Assembly Bill (AB) 32 Climate Change Scoping Plan, the City of Los Angeles' LA Green Plan, and the Sustainable City pLAN.

The Draft EIR provides a thorough analysis of the Project's GHG impacts within Section IV.C, Greenhouse Gas Emissions. Although the Final EIR (Revised Draft EIR Appendix C, AQ and GHG Emissions, of Subsection III.B, Corrections and Additions to Draft EIR Sections and Appendices) provided minor revisions to the GHG emissions from construction as a result of implementation of Mitigation Measure AIR-MM-5 (i.e., reduction in daily haul truck trips during export), the analysis still includes quantification of construction and operational GHG emissions, quantification of applicable reduction measures (e.g., prohibit use of natural gas-fueled fireplaces in the proposed residential units), and consistency with applicable local plans and policies. Based on this analysis, the Draft EIR correctly concluded that the Project would result in less-than-significant GHG impacts.

Appeal Statement 1-3b

The City states Project greenhouse gas emissions will be 3,178 metric tons of carbon dioxide equivalent (MTCO₂e) per year, which is above the 3,000 MTCO₂e/year threshold advanced by SCAQMD and used as a significance threshold by dozens of agencies within the Southern California Air Basin. While the City rejects this as an appropriate significance threshold, it does not replace this threshold with anything more informative. Instead, the City admits it currently does not have a quantitative significance threshold or specific reduction targets, and it has no approved policy regarding greenhouse gas impacts (e.g., DEIR, p. IV.C-42). Instead, the City relies on plans and policies adopted by state and regional agencies that were never adopted by the City and that are not designed to be used at the Project-level. The City's evaluation of consistency with plans it has not, itself, adopted runs counter the standards set forth in the CEQA Guidelines and, thus, violates CEQA (14 Cal. Code Regs. § 15064(h)(3)). Per CEQA Guidelines Section 15064(h)(3), the City cannot rely on other plans not adopted by it to conclude that the project will avoid or substantially lessen the cumulative problem of greenhouse gases when there is no plan to analyze the Project against. The City must adopt a greenhouse gas reduction plan in order to

make the finding that the Project will not have significant impacts to greenhouse gas emissions (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 217). Furthermore, the City's "plan consistency" evaluation with several different plans is confusing, uninformative, and does not serve the disclosure and informational purposes of CEQA.

Staff Response 1-3b

On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim 10,000 MTCO₂e/yr GHG significance threshold for projects where the SCAQMD is lead agency (e.g., stationary sources, rules, and plans). This comment references the SCAQMD's proposed, but not adopted, 3,000 MTCO₂e/yr screening threshold for residential, commercial, and mixed-use developments, where a project would conduct a more detailed analysis using a per capita efficiency target if the project exceeded the 3,000-MTCO₂e/yr screening threshold. It should be noted that this threshold was proposed nearly 10 years ago, and no further action by SCAQMD has occurred during this time to seek approval of it as a GHG significance threshold. The Draft EIR did not use a numeric threshold, as neither the City of Los Angeles nor SCAQMD has adopted a numeric threshold applicable to the Project. Instead, a significance determination was made based on the consistency with applicable regulatory plans and policies to reduce GHG emissions.

Statewide GHG reduction goals target multiple sources of emissions such as transportation, energy usage, water usage and solid waste, all of which have different reduction targets. The use of a single numeric threshold would not be able to demonstrate how the Project would comply with reduction measures for each of the sources of GHG emissions. Therefore, the use of a qualitative threshold would be more informative and serves to demonstrate Project consistency with GHG reduction targets.

Appeal Statement 1-3c

In addition, the City masks an undisclosed volume of greenhouse gas impacts by claiming mitigation measures are, in fact, parts of the Project. In addition, since the City has not made these mitigation measures binding on the Project as part of the Mitigation and Monitoring Program, it cannot rely on these measures to assume Project impacts will be less than significant or otherwise reduced to the levels disclosed in the EIR (Pub. Resources Code § 21 002.1 (b); 14 Cal. Code Regs. § 15096(g)(2)). It is a violation of CEQA for the City to fail to accurately disclose pre-mitigation Project-related greenhouse gas impacts.

Staff Response 1-3c

Potential GHG impacts were concluded to be less than significant without mitigation in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR. As such, no quantification of mitigation measures was included in the Draft EIR. PDFs, however, were included in the analysis prior to mitigation, as the reduction measures were included as PDFs (page IV.C-43 in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR). It is assumed that the Appellant's concern is regarding implementation of California Air Pollution Control Officers Association (CAPCOA) measures. However, these measures were not included as mitigation measures since they are characteristics of the Project. As an example, CAPCOA Measure LUT-1 (Increase Density) is a measure of the number of jobs and residences per acre, and is not something that would require a mitigation measure. Another example is CAPCOA Measure LUT-5 (Increase Transit Accessibility), in which the Project would be located approximately 350 feet from the 7th Street/Metro Center Station. No mitigation measure is required to evaluate the reduction in VMT/GHG emissions related to the location of the Project.

Appeal Statement 1-4

Noise

The City erroneously discounted cumulative Project impacts. The City only considered cumulative impacts from six of the 181 cumulative Projects located within the direct vicinity of the Project, thereby failing to consider the cumulative impacts arising from the vast majority of nearby past, present, and reasonably foreseeable projects (FEIR, p. II-89). Of the six projects the City supposedly evaluated for cumulative impacts, the City further erroneously ignored cumulative operational impacts from these Projects, thus narrowing its disclosure of cumulative impacts to only two other projects (FEIR, p. II-91). The City's decision to consider only a fraction of cumulative impacts fails the informational purposes of CEQA, fails to adequately consider the significance of Project impacts, and fails to provide mitigation to address significant Project-related impacts.

As with greenhouse gases, the City failed to accurately disclose pre-mitigation Project-related noise impacts by erroneously claiming certain mitigation measures are "project design features" (DEIR, p. IV.E-26). This served to mask Project impacts and fails the informational purposes of CEQA.

Staff Response 1-4

Noise from construction of development projects is typically localized and has the potential to affect noise-sensitive uses within 500 feet from the construction site. As such, cumulative noise impacts associated with on-site construction activities were conservatively evaluated by reviewing projects that are located within 1,000 feet of the Project. With regard to operational noise impacts, however, the analysis of mobile noise accounted for all future growth including growth associated with all of the related projects. Therefore, the cumulative noise analysis is comprehensive and accurate. In addition, and as previously discussed above, the PDFs included throughout the EIR, including within Section IV.E, Noise, are features that would be implemented as part of the Project. Therefore, they were appropriately included as part of the impact analysis for the Project.

Appeal Statement 1-5

Traffic

The City failed to accurately disclose pre-mitigation Project-related traffic impacts by evaluating certain traffic mitigation measures as "project design features" (DEIR p. IV.G.-34–35). These "project design features" were clearly designed to mitigate Project-related traffic impacts, which impacts should have been evaluated and disclosed in the EIR. This served to mask Project impacts and fails the informational purposes of CEQA.

Staff Response 1-5

As previously discussed above, the PDFs included throughout the EIR, including within Section IV.G, Traffic, Access, and Parking, are features that would be implemented as part of the Project. In particular, completion of a construction traffic management plan and coordination with LADOT is a typical requirement of development projects throughout the City. As such, the PDFs were appropriately included as part of the impact analysis for the Project.

Appeal Statement 1-6

Mitigation Measures

The EIR's mitigation measures and Mitigation Monitoring Program fail to comply with CEQA. The City's findings that the Project would result in less than significant impacts to air quality, climate change, noise, and traffic are not supported by evidence in the record. (Cal. Pub. Resources Code §21168 [requiring CEQA findings to be supported by substantial evidence in the record].) The City's mitigation measures and mitigation monitoring program for these impacts, therefore, are also not based on substantial evidence. (*Ibid.*; FEIR, § IV.) As such, the City has failed to provide appropriate and enforceable mitigation for Project impacts in violation of CEQA. (14 Cal. Code Regs. §15126.4(a)(1) ["An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy"]; 14 Cal. Code Regs. §15126.4(a)(2).)

Staff Response 1-6

Under Public Resources Code Section 21082.2(c), "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." No evidence is provided to support its claim. As such, the comment regarding air quality, climate change, noise, and traffic is an unsubstantiated opinion and is not considered substantial evidence. Where feasible, mitigation measures have been included to address the significant impacts of the Project. Note that potential GHG impacts were concluded to be less than significant in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR. Therefore, no mitigation measures related to GHG emissions are required. In addition, all of the PDFs within the Draft EIR have also been included as part of the MMP for the Project. As such, the Draft EIR is comprehensive and has been completed in full compliance with CEQA.

Appeal Statement 1-7

Alternatives

CEQA provides a "*substantive mandate* that public agencies refrain from approving projects for which there are feasible alternatives or mitigation measures" that can lessen the environmental impact of proposed projects. (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105,134, citing Pub. Resources Code, § 21081 [emphasis added].) It "compels government to mitigate adverse effects through the selection of feasible alternatives." (*Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1233, see also Pub. Resources Code, § 21002.) Under CEQA, the City may not approve the Project as proposed if there are feasible alternatives available that would substantially lessen the Project's significant environmental impacts. (Cal. Code Regs., tit. 14, § 15091.)

The EIR's alternatives analysis is problematic for several reasons. First, the EIR's conclusions regarding the significance of impacts is not supported by the evidence. As a result, the EIR's alternatives analysis does not correctly compare the potential impacts of the proposed alternatives with the impacts of the Project. (See generally, DEIR, § V.) Second, the proposed alternatives would substantially lessen the Project's significant environmental impacts, yet the City failed to select such alternatives. (*Ibid.*) Third, because the City's conclusions that the Project would not have significant impacts are not supported by substantial evidence, it incorrectly concluded that the Project would not have significant impacts, and has thus sidestepped its

obligation to reduce significant impacts by selecting a feasible and less impactful alternative. (Pub. Resources Code, § 21002.1(b); Cal. Code Regs., tit. 14, § 15092.)

Finally, findings that an alternative is infeasible must be supported by substantial evidence in the record. (*California Native Plant Soc’y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 997, as modified (Oct. 2009) [“We thus review the City’s infeasibility findings for substantial evidence”]; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 559 [agency decision “to reject the alternatives as infeasible was supported by substantial and tenable evidence”].) The agency must also articulate its analysis and how the agency reached its determination. (See *Cal. Clean Energy Comm. v. City of Woodland* (2014) 25 Cal.App.4th 173, 203.) In this case, the City failed to clearly articulate why alternatives that were not selected were infeasible. (DEIR, pp. V-2–V-4; see DEIR, § V.)

Staff Response 1-7

All of the impact analyses in the Draft EIR are comprehensive and are supported by substantial evidence. The analyses are based on Appendix G of the CEQA Guidelines and are guided by the L.A. CEQA Thresholds Guide. A Draft EIR is required to describe a range of reasonable alternatives (CEQA Guidelines Section 15126.6(a)). “[A] lead agency may reject an alternative as infeasible because it cannot meet project objectives, as long as the finding is supported by substantial evidence.” (*Rialto Citizens for Responsible Growth v. City of Rialto*, 208 Cal. App. 4th 899, 949 (2012)) Alternatives rejected from detailed consideration are required to be accompanied by a brief explanation of why they were rejected. The factors that may be used to eliminate alternatives from detailed consideration include failure to meet most of the basic project alternatives, infeasibility or inability to avoid significant environmental impacts. (CEQA Guidelines Section 15126.6(c)). The Draft EIR analyzed four project alternatives and clearly articulated the reasons why the two alternatives that were rejected from detailed consideration as infeasible is accompanied by a brief explanation of why they were rejected including the failure to attain basic project objectives and/or avoid significant impacts. The discussion of the (Draft EIR, Section V, pages V-2-V-4). Thus, the Alternatives analysis fully complies with CEQA.

Appeal Statement 1-8

Variance

A TFAR is a variance, which can only be approved if the City makes findings required by the LAMC, which the City did not make here. “[A] variance is a permit to building a structure or engage in an activity that would not otherwise be allowed under the zoning ordinance.” (*Neighborhos in Support of Appropriate Land Use v. County of Tuolumne* (2007) 157 Cal.App.4th 997, 1007; see *Hamilton v. Board of Supervisors* (1969) 269 Cal.App.2d 64, 66.) “A variance is a zoning exception [that] provides an applicant relief from a zoning regulation and allows the applicant to... use its property in a way that varies from the otherwise applicable zoning code.” (Continuing Education of the Bar, *California Land Use Practice* § 7.2.)

The Project is zoned C2-4D. (Advisory Agency’s November 16, 2018 Determination Letter, p. 92.) This zoning designation only permits a Floor Area Ratio (“FAR”) of up to 6:1. (*Ibid.*) The Project Applicant, however, has requested a TFAR from the Los Angeles Convention Center site, which is owned by the City of Los Angeles. (*Ibid.*) This TFAR would provide the Applicant with an exception to the zoning requirements, and would permit the Project Applicant to use their property in a way that varies from the zoning code—to build to a maximum density of 8.43 :1 FAR. (*Ibid.*) This is a variance.

L.A.M.C. section 12.27(D) requires that the City make findings required by City Charter section 562 before issuing a variance. City Charter section 562 requires that the City make the following findings:

- (1) that the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;
- (2) that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;
- (3) that the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;
- (4) that the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and
- (5) that the granting of the variance will not adversely affect any element of the General Plan.

The City has not made the findings required by City Charter section 562. “Any act that is violative of or not in compliance with the charter is void.” (*City of San Diego v. Shapiro* (2014) 228 Cal.App.4th 756, 789.) If the City approval of the TFAR without the support of findings required by City Charter section 562, constitutes legal error that must be reversed.

Staff Response 1-8

The Project Site is located within the Central City Community Plan area, designated as Regional Center Commercial with a corresponding zone of C2-4D, subject to the “D” Limitations contained within Ordinance No. 164,307, Subarea 1920. The “D” Limitation restricts the floor area of buildings to a maximum 6:1 FAR. Per this “D” Limitation, projects may exceed the permitted FAR through rehabilitation of existing buildings, consistent with provisions of the redevelopment plan, or by receiving approval of a transfer of floor area through a process adopted by the City Council.

Transfer of Floor Area Rights (TFAR) is a land use entitlement authorized by Article 4.5 of the LAMC, adopted by the City Council per Ordinance No. 181,574. As such, the requested TFAR is allowed under the current zoning and does not require any kind of exception to the zoning requirements or the granting of a variance. Specifically, LAMC Section 14.5.6 authorizes the City Council, acting on the recommendations of the Commission or Agency Board, to grant Transfers of Floor Area Rights of 50,000 square feet or greater for Projects located within the Central City Community Plan area in exchange for public benefits.

The Project includes a transfer of 122,480 square feet of floor area from a Donor Site located at 1201 South Figueroa Street (Los Angeles Convention Center), to permit a maximum 8.43:1 FAR on the Receiver Site. As part of the request, the Applicant submitted a Transfer Plan indicating the proposed distribution of the Public Benefit Payment required pursuant to LAMC Section 14.5.9. The Public Benefit Payment requires that at least 50 percent of the payment be provided as a cash payment by the Applicant to the Public Benefit Trust Fund, unless otherwise approved by City Council. The remaining 50 percent of the payment may be provided by the direct provision of Public Benefits by the Applicant. The CPC approved a project which allocates a payment to the Affordable Housing Trust Fund (AHTF) in the amount of \$2,141,301.20 (50% of the Public Benefit Payment). The funds are required to be utilized to fund affordable housing projects, as administered by the Los Angeles Housing and Community Investment Department (HCIDLA).

As such, the Project is compliant with the applicable procedures pursuant LAMC Section 14.5.6, and a Zone Variance nor Zone Variance findings are required.

Appeal Statement 1-9

Consistency with the Zoning Code

In its Letters of Determination, the City admits it has failed to evaluate the consistency of the Project with applicable zoning regulations. Failure to consider Project consistency with zoning constitutes an abuse of discretion. (Cal. Code Civ. Proc., 1094.5)

The City failed to make a final determination as to whether the Project, as proposed, complies with zoning regulation in conjunction with the VTT determination. (See October 24, 2018 Planning Department Staff Report ["Staff Report"], p.9.) The Staff Report states: "[t]he subdivider is hereby advised that the LAMC [sic] may not permit this maximum approved density ... verification should be obtained from the Department of Building and Safety." (Id. At p.9 [emphasis in original].) The Advisory Agency Determination Letter confirms: "any proposed structure or uses on the site have not been check for ... Zoning Code requirements." (Advisory Agency Determination Letter, p.3.) Again, in the Planning Commission's February 25, 2019 Letter of Determination, the City states, "The Advisory Agency approval is the maximum number of units permitted under the tract action. However, the existing or proposed zoning may not permit this number of units." (VTT-74197-1A DL Letter of Determination, p. C-11)

The Subdivision Map Act ("SMA") governs the approval of subdivisions and tentative tract maps in Los Angeles. (See Cal. Gov. Code, § 66474.60.) Under the SMA, local agencies may only approve tract maps that are consistent with applicable land use standards, including "local ordinances dealing with subdivisions." (See *ibid*; L.A.M.C. § 17.00 et seq.) Subdivision approvals must be in compliance with applicable zoning (existing or as changed by project approval) and "shall substantially conform to all other elements of the General Plan." (L.A.M.C., § 17.05.C; see also Cal. Gov. Code § 66474.61(a)-(b) [requiring consistency with applicable land use plans].) The City was required both by CEQA and the Subdivision Map Act to determine and disclose whether the proposed Project complies with the City's zoning regulations *prior* to circulating its DEIR for the Project. Because the Planning Commission did not make a final determination regarding whether the Project complies with zoning regulations, it failed to comply with L.A.M.C. section 12.36, and thus failed to proceed in a manner required by law. (See Cal. Gov. Code, 66474.60; LAMC, 17.05 C.) As it is clear that the City has not determined whether the Project is consistent with zoning for the Project site, its analysis both in the EIR and pursuant to the Subdivision Map Act lacks evidentiary support in the record. Absent revising and recirculating the EIR, the City cannot now remedy this flaw in its environmental review.

Staff Response 1-9

The Appellant argues that the City's approval of the VTTM violates the Subdivision Map Act because the City has not yet approved the TFAR request and therefore cannot make a finding of consistency with the zoning, as required by the Subdivision Map Act. The TFAR and SPR approvals are within the jurisdiction of the City Planning Commission under related Case No.CPC-2016-1950-TDR-SPR. The DAA does not have the authority to grant or deny a Transfer of Floor Area Rights or Site Plan Review. Both the Subdivision Map Act and the LAMC provide authority to the Advisory Agency to conditionally approve tentative tract maps. In addition, the approval of VTT-74197 was contingent upon the approval of the related CPC Case per the following Site Specific Condition of Approval No. 18 which reads:

- 18. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2016-1950-TDR-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that CPC-2016-1950-TDR-SPR is not approved, the subdivider shall submit a tract modification.*

Therefore, given that the Tract Map approval is contingent upon the approval of entitlements, the tract map was properly considered and legally approved under the California Subdivision Map Act and LAMC requirements for approving vesting tentative tract maps. In other words, if the TFAR request is not granted, the tentative tract map cannot be used and no final map can be recorded. That same finding discusses consistency with zoning and the General Plan provisions. Thus, the arguments regarding impropriety of the tract map approval are specious and not supported by the law or the facts. In addition, as noted in the response to Staff Response 1-9, the Project's approval is consistent with the existing zoning, which clearly allows the provision of additional FAR pursuant to the TFAR program approved by the City Council. Therefore, the Project does not violate any local land use or zoning and the City is not required to deny it pursuant to Cal. Gov. Code Section 66474.61.

Furthermore, LAMC Section 12.36 (Multiple Approvals) does not require a tentative map and quasi-judicial approvals to be *approved* at the same time. LAMC Section 12.36 C.5 (Advisory Agency) states that, "[i]f a project requiring multiple approvals also requires a Subdivision Approval by the Advisory Agency, that Subdivision Approval and any appeals shall be decided and governed by the rules set forth in Article 7 of Chapter 1 of the LAMC. Hearings for and consideration of appeals of Subdivision Approvals by the Advisory Agency shall be scheduled for the same time as any hearing and decision by the decision-making body, which has jurisdiction over the other approvals.

The appeal of Case No. VTT-74197 was heard simultaneously as the related CPC case, before the CPC; and the second level appeal of the VTT case is also being heard simultaneously with the appeal of the CPC case before the PLUM Committee and City Council. Therefore, the Project is being processed in compliance with LAMC Section 12.36.

APPELLANT 2: MFA 8TH & FIGUEROA LLC

The Applicant has appealed the following Conditions of Approval, as imposed by the City Planning Commission at its meeting dated January 24, 2019:

Case No. CPC-2016-1950-TDR-SPR

Condition No. 1: Site Development. The Applicant shall submit a revised "Exhibit A" which incorporates the following:

- a. Additional articulation to the roofline of the building, specifically, a non-flat roofline;
- b. Additional architectural development of the main trunk of the building; and
- c. Reconsideration of the podium parking screening to include concepts such as mock apartment or office uses, to the satisfaction of the Department of City Planning (DCP). Revised Plans shall be stamp-dated upon approval by DCP staff.

Condition No. 5: Affordable Housing Requirements. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the HCIDLA to make 22 units, that is five percent of the proposed 438 dwelling units, available to Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of

55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA.

Case No. VTT-74197-1A

Condition No. 17: Affordable Housing Requirements. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the HCIDLA to make 22 units, that is five percent of the proposed 438 dwelling units, available to Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA.

In addition, the Applicant requests that the Statement of Overriding Considerations remove the reference to the inclusionary housing condition, also added by the CPC.

Staff Response:

Design Condition

On June 3, 2019, the Applicant submitted a Revised Exhibit A for review by the DCP. Design changes included the following changes:

- Wrapped the parking podium along Figueroa and 8th Street with an enclosed glass system, consistent with the materials of the building trunk.
- Marked the building's primary entrance with wider stone-clad columns, and added architectural lighting (via an LED light system) integrated into the mullion system of the parking podium façade, connecting the ground-floor spaces to the vertical tower.
- Expanded balconies off the amenity deck on the podium.
- Added glass parapets at the rooftop perimeter to create an up-lit cornice surrounding the rooftop amenities, relating back to the lighting at the base of the building.

While the revised design maintains a flat rooftop, staff finds that the design modifications made to the project meet the intent of Condition of Approval No. 1, in that the parking podium is now sufficiently screened, and by creating a more cohesive base and top, additional architectural interest is created for the trunk. Therefore, staff recommends that the attached Exhibit be accepted as the "Revised Exhibit A", and that Condition No. 1 be revised as follows:

1. ***Site Development.*** *The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit A, stamp dated June 3, 2019, except as may be revised as a result of this action. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.*

Affordable Housing Condition

The Project approval was for Transfer of Floor Area Rights and Site Plan Review, and does not include any legislative actions, Density Bonus or Transit Oriented Communities requests. At its meeting on January 24, 2019, the CPC found that setting aside five percent of the proposed 438 dwelling units, for Low Income Households, would allow the Project to further the following goals, objectives and policies of the Housing Element, particularly the following:

Goal 1: Housing Production and Preservation

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.

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.

Statement of Overriding Considerations

As part of the Statement of Overriding Considerations (SOCs) of the Fig & 8th Project EIR, the following project objectives were identified:

- The Project will maximize new housing units on a currently underutilized site to help satisfy the demand for new housing in the region, the City of Los Angeles, and the Central City Community Plan area, in particular.
- The Project will provide a contemporary architectural design that is compatible with existing high-rise development along Figueroa Street, as well as the adjacent streets, including 7th Street, 8th Street, and Flower Street.
- The Project will create a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of a ground floor, street-fronting, neighborhood-serving, small, storefront retail and commercial uses.
- The Project will construct a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill, proximity to transit, walkability, and bicycle connections ("complete" streets).
- The Project will reduce vehicular trips and promote regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base and within one block of a regional-serving transit hub (Metro 7th Street/Metro Center Station) and commercial services.
- The Project will maximize the creation of construction jobs and economic investment in the Central City Community Plan area through the provision of high-density residential uses with ground floor commercial uses.

At its meeting on January 24, 2019, the CPC found that providing five percent of the proposed 438 dwelling units, available to Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years would further substantiate the Project's Statement of Overriding Considerations, and added the following objective:

- The Project will set aside five (5) percent of the total number of dwelling units, or 22 units, for Low Income households, satisfying the Central City Community Plan's Objective 1-2 "to increase the range of housing choices available to Downtown employees and residents"; and the Housing Element's Policy 1.1.2 to "expand affordable rental housing for all income groups that need assistance", and Objective 2.2 to "promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit." The provision of housing, and low income housing in particular, also ensures the City can meet its housing obligation under the SCAG's Regional Housing Needs Assessment ("RHNA") allocation.

CONCLUSION

Upon careful consideration of the appeals, staff finds that Appellant 1 has failed to adequately disclose how the City erred or abused its agency discretion. In addition, no new substantial evidence was presented that City as erred in its actions relative to the EIR and the associated entitlements. Furthermore, Appellant 1 has raised no new information to dispute the Findings of the EIR or the CPC's actions on this matter.

Regarding Appeal 2, staff finds that the design modifications made to the project meet the intent of the Condition of Approval No. 1, added by the CPC at its meeting on January 24, 2019; and recommends that the attached Exhibit be accepted as the "Revised Exhibit A"; that Condition No. 1 be revised, as shown below; and that any corresponding Findings of Approval relating to the Revised Exhibit A be updated accordingly.

Revised Condition:

- 1. Site Development.** *The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit A, stamp dated June 3, 2019, except as may be revised as a result of this action. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.*

Therefore, staff recommends that Appeal 1 of VTT-74917-1A and CPC-2016-1950-TDR-SPR, and Appeal 2 of VTT-74917-1A be denied; and Appeal 2 of CPC-2016-1950-TDR-SPR be denied in part and approved in part with the modifications requested herein.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Mindy Nguyen
City Planner

VPB:LW:HB:MN

Enclosures

8TH & FIGUEROA

06/03/2019



EXHIBIT "A"
Page No. 1 of 17
Case No. CPC-2016-1950-TDR-SPR

Project Address: 734-744 S. Figueroa St, Los Angeles CA 90017

Zoning Classification: Commercial zone C2-4D_

Dwelling Units Proposed: Building 1 = 438 units
Total = 438 units

Unit Density Permitted: Per the Greater Downtown Housing Incentive Area, LAMC Section 12.22-C,3(c), the maximum number of dwelling units or guest rooms permitted is not limited by the lot area.

Area:

Lot Area (net)	46,546	sqf
Lot Area (gross)	50,335	sqf
Total Proposed Residential Floor Area	387,449	sqf
Total Proposed Commercial Floor Area	7,493	sqf
Miscellaneous	29,548	sqf
Total Floor Area	424,490	sqf

Legal Description: Floor Area Ratio Proposed (per gross lot area) 8.43 FAR
The land referred to herein below is situated in the city of Los Angeles, in the county of Los Angeles, State of California, and is described as follows:

Parcel 1:

Lot 6 and part of lot 7 in block 30 of the Huber tract, in the city of Los Angeles, county of Los Angeles, State of California, as per map recorded in book 2 page 280 of miscellaneous records, in the office of the county recorder of said county, described as follows:
Beginning at the point of intersection of the northerly line of eighth street with the easterly line of Figueroa (formerly peal street), as said streets are shown on said map; thence northerly along the easterly line of Figueroa street 100 feet; thence easterly parallel with the northerly line of eighth street, 165 feet, more or less, to the easterly line of said lot 7; thence southerly parallel with the easterly line of Figueroa street, 100 feet to the northerly line of eighth street; thence westerly along said northerly line, 165 feet, more or less, to the point of beginning.

Parcel 2:

The northeast 20 feet of lot 7 and the southwest 30 feet of lot 8 in block 30 of the Hubert tract, in the city of Los Angeles, county of Los Angeles, State of California, as per map recorded in book 2 page 280 of miscellaneous records, in the office of the county recorder of said county.

Parcel 3:

All of lots 9 and 10 and that portion of lot 8, all in block 30 of the Huber tract, in the city of Los Angeles, county of Los Angeles, State of California, as per map recorded in book 2 page 280 of miscellaneous records, in the office of the county recorder of said county, described as a whole as follows:

Beginning at a point on the southeasterly line of Figueroa Street, distant northeasterly thereon 150 feet from the northeasterly line of Eighth Street, as said streets are shown on said map of the Huber tract; thence northeasterly, along said Figueroa Street, to the most northerly corner of said lot 10; thence southeasterly along the northeasterly line of said lot 10, to the most easterly corner of said lot 10; thence southwesterly, along the southeasterly lines of said lots 10, 9 and 8, to a point on a line that is parallel with the northeasterly line of said eighth street and which passes the point of beginning; thence northwesterly, along said parallel line to the point of beginning.

Residential Parking Required:

Unit Type	Number	Car Parking Ratio	Car Parking Required
Studio	86	1 per unit	86
1 bed	258	1 per unit	258
2 bed	94	1.25 per unit	118
Total	438		462

Total Parking Required / Provided: 462/505

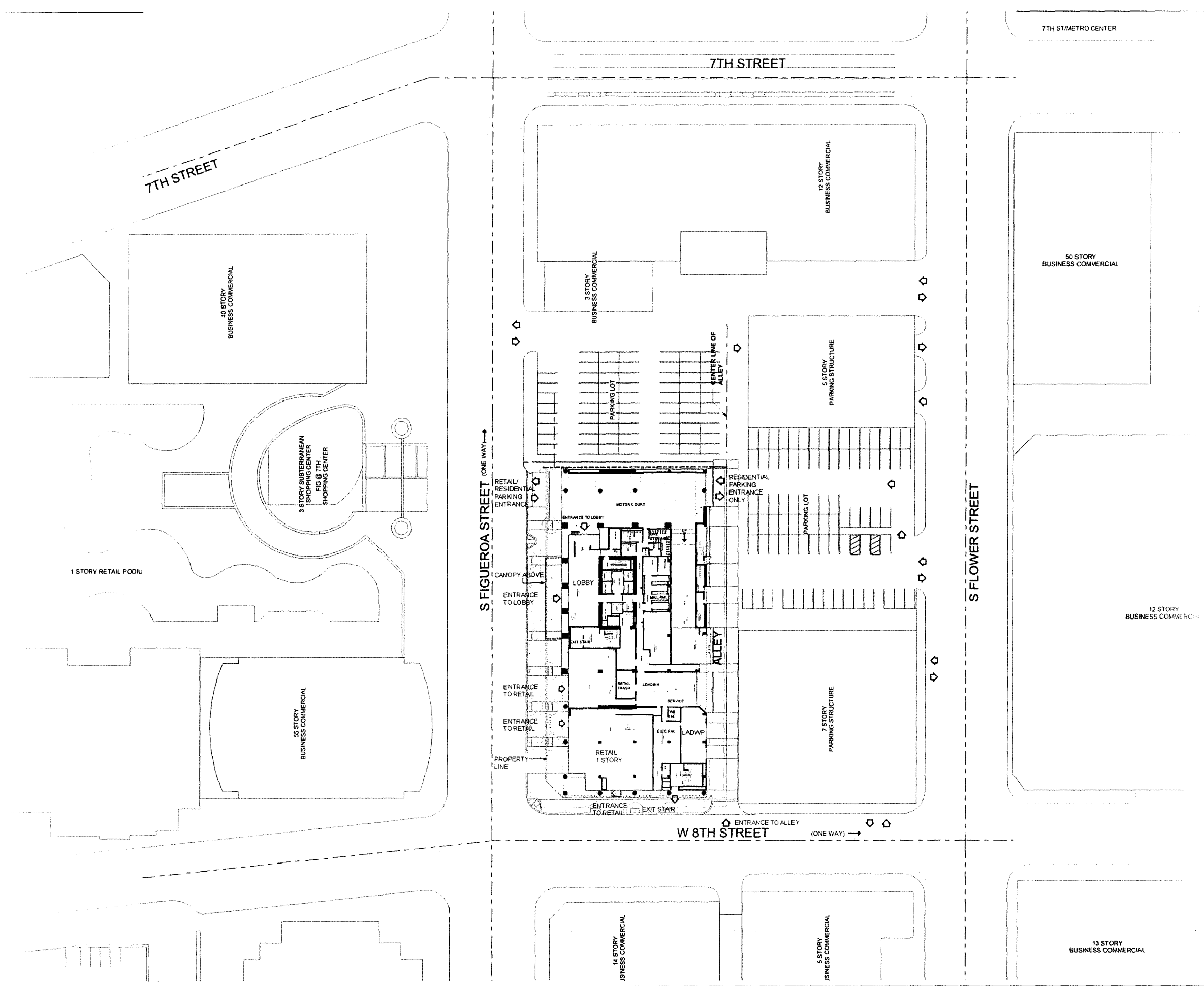
Residential Bike Parking Required: Bike Parking Required / Provided: 211/211

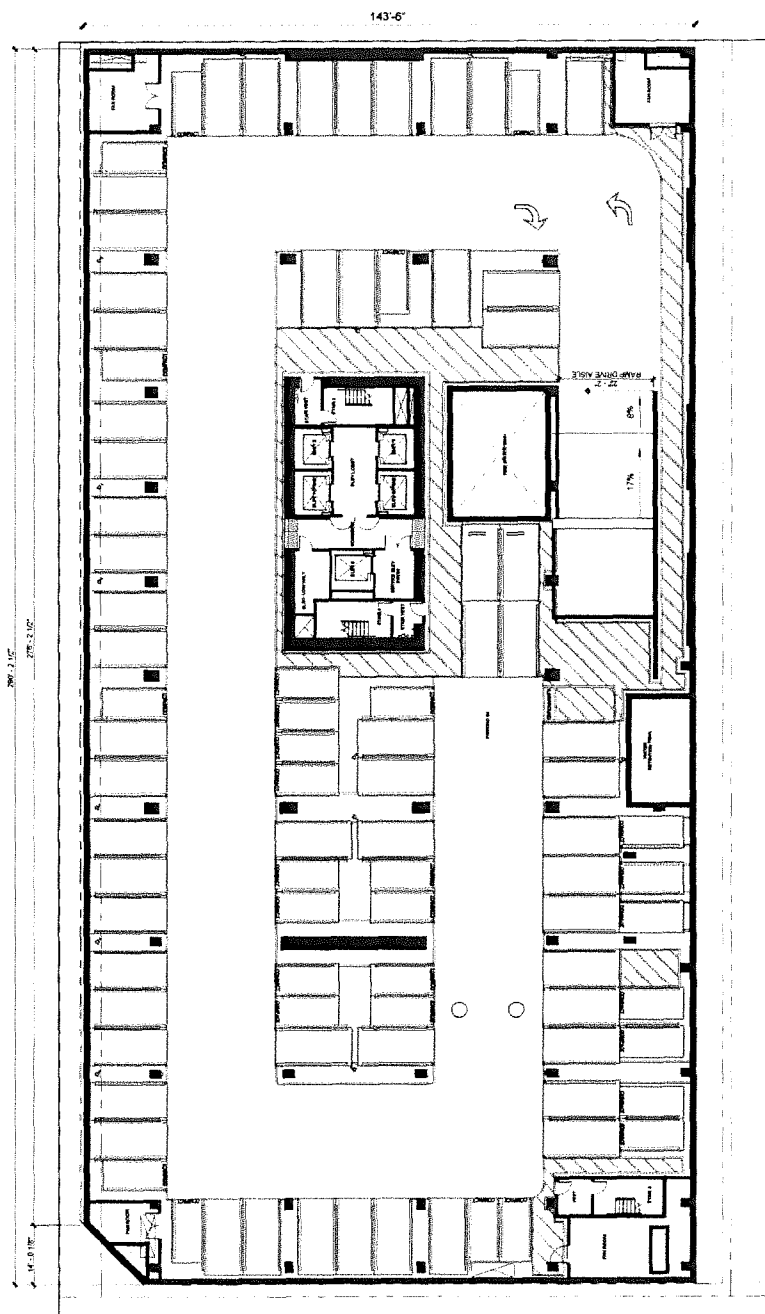
Short Term Bike Parking Required/ Provided = 18 / 18 Spaces
Long Term Bike Parking Required/ Provided = 185 / 185 Spaces

Commercial Bike Parking Required: Retail 1 per 10,000 SF = 1 short term bike spaces
Restaurant 1 per 2,000 SF = 3 short term bike spaces
Retail 1 per 10,000 SF = 1 long term bike spaces
Restaurant 1 per 2,000 SF = 3 long term bike spaces
Total Bike Parking Provided : 4 short term/ 4 long term

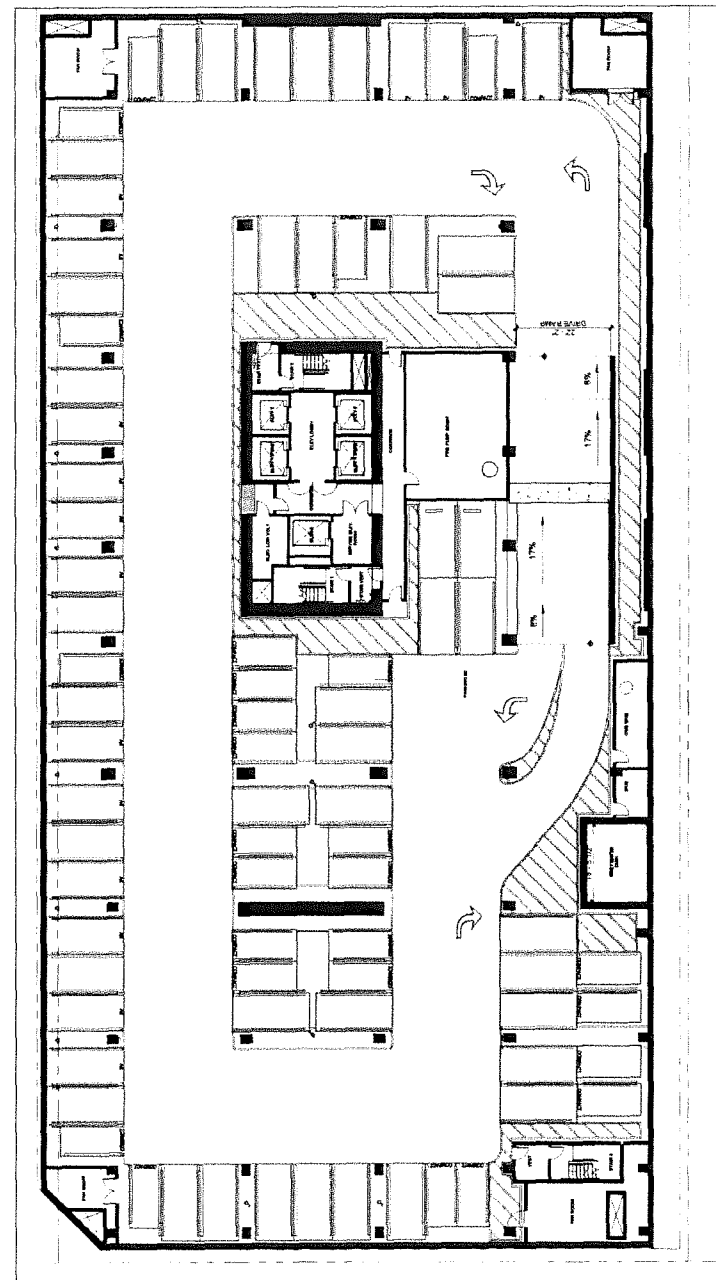
Open Space:

REQUIRED	UNIT COUNT	OPEN SPACE
Units with less than 3 habitable rooms (100 sf. Required per Unit)	344 Units	34,400 SF
Units with 3 habitable rooms (125 sf. Required per Unit)	94 Units	11,750 SF
Total Open Space Required	438 Units	46,150 SF
Total Planted common area (25% min. of common open space) req.'d: 6,605 SF)		6,710 SF
Proposed		
Level 1 Outdoor Common Open Space		3,243 SF
Level 5 Outdoor Landscape Roof Deck		20,611 SF
Level 5 Indoor Amenity		5,728 SF
Level 6-40 Outdoor Private Open Space		14,000 SF
Level 41 Outdoor Landscaped Roof Deck		2,568 SF
Total 'Indoor' Common Open Space		5,728 SF
Total 'Outdoor' Common Open Space		26,422 SF
Total 'Private' Open Space		14,000 SF
Total Proposed Open Space		46,150 SF



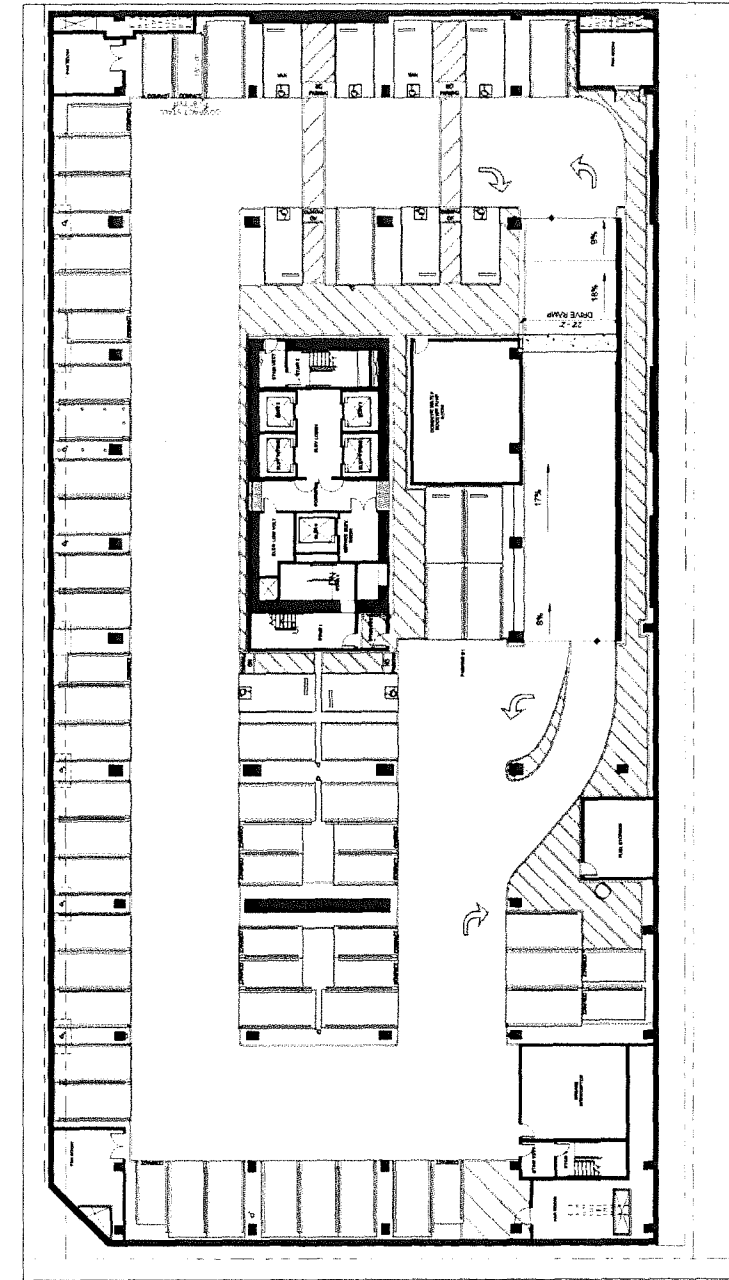


3 LEVEL B4 (B3 SIM)
SCALE: 1/16" = 1'-0"



2 LEVEL B2
SCALE: 1/16" = 1'-0"

See LEVEL B4 for Dimensions

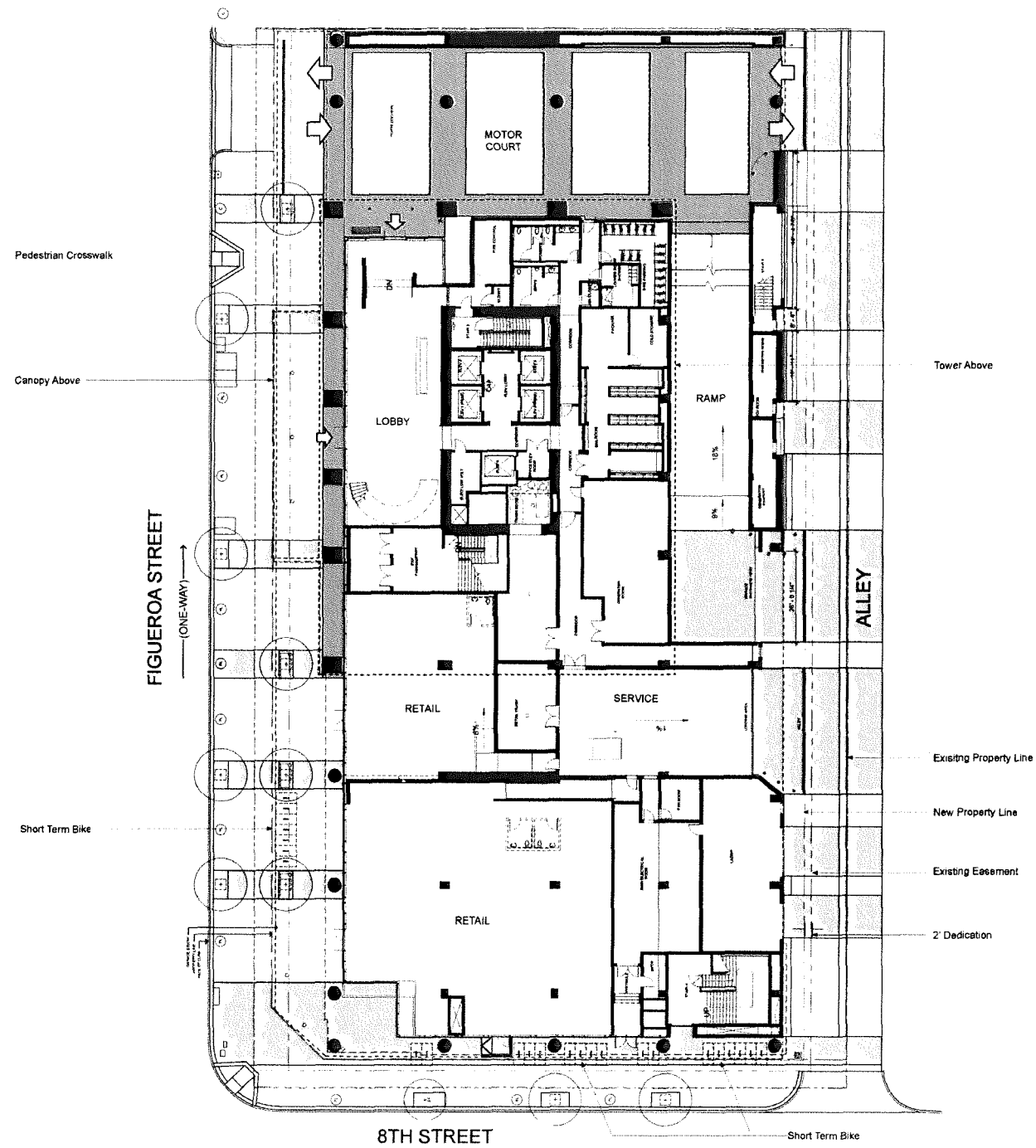


1 LEVEL B1
SCALE: 1/16" = 1'-0"

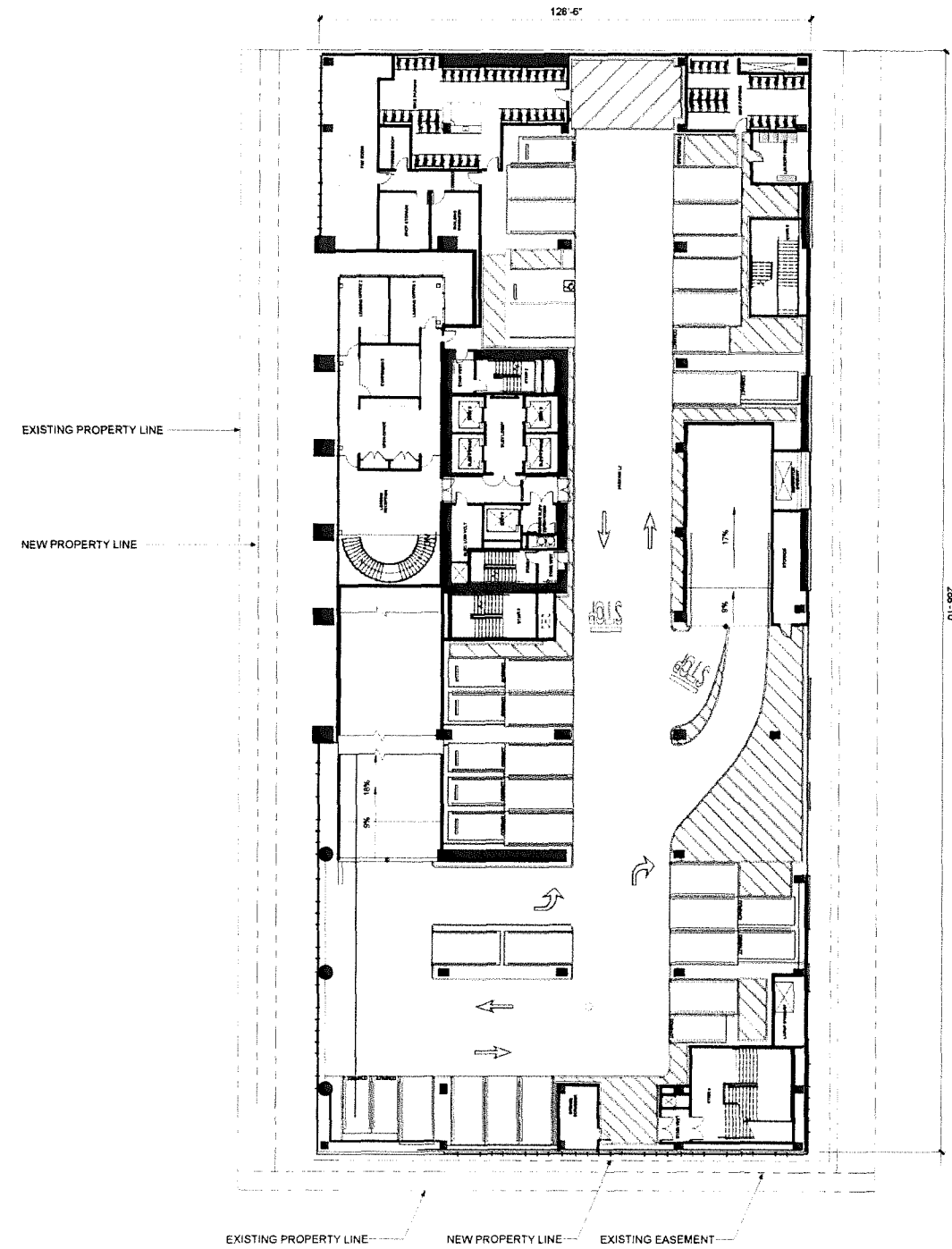
See LEVEL B4 for Dimensions

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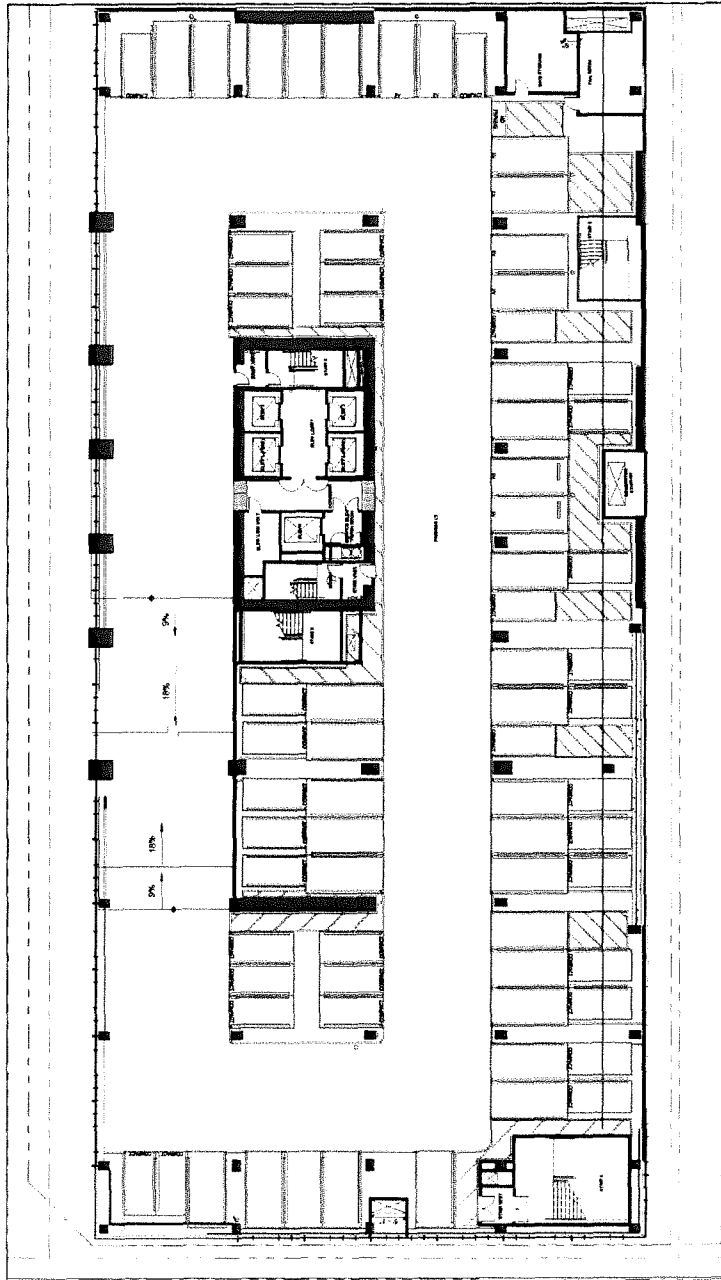
2 GROUND LEVEL
SCALE: 1/16" = 1'-0"



1 LEVEL 02 PARKING PLAN
SCALE: 1/16" = 1'-0"

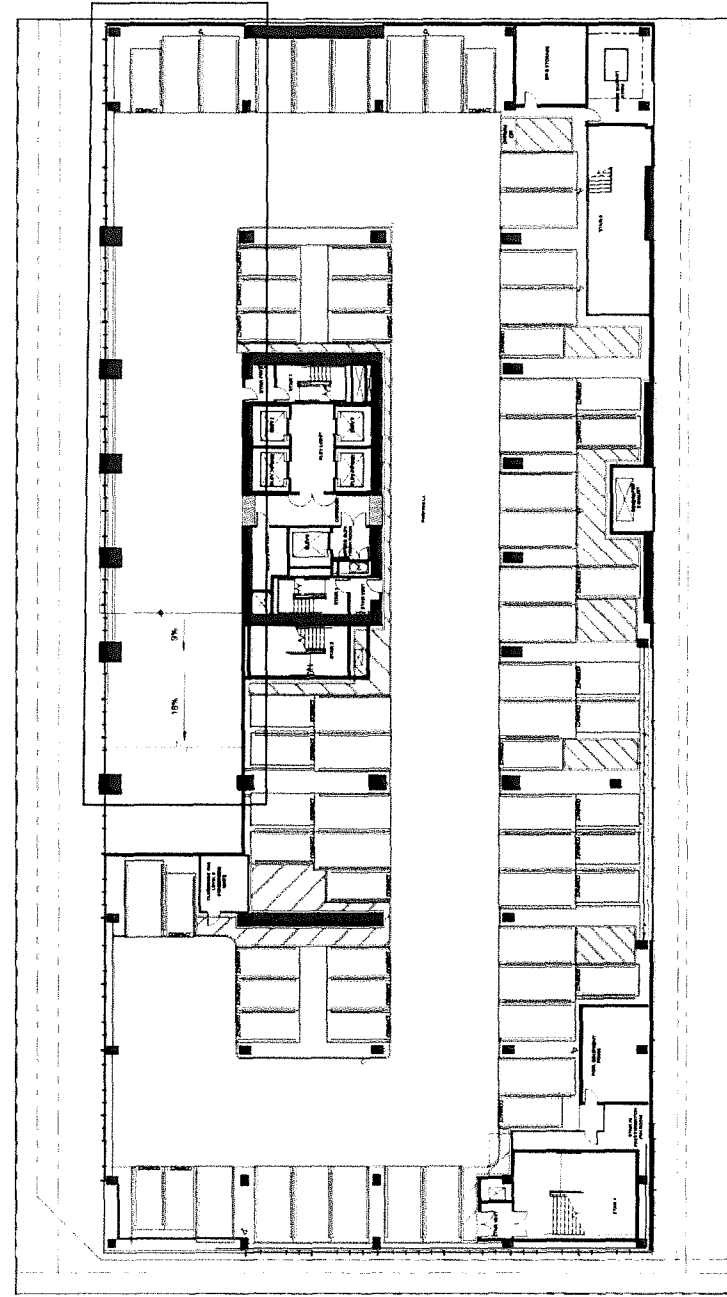
EXHIBIT "A"
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Case No. CPC-2016-1950-TDR-SPR





2 LEVEL 03 PARKING PLAN
SCALE: 1/16" = 1'-0"

See LEVEL 02 for Dimensions



1 LEVEL 04 PARKING PLAN
SCALE: 1/16" = 1'-0"

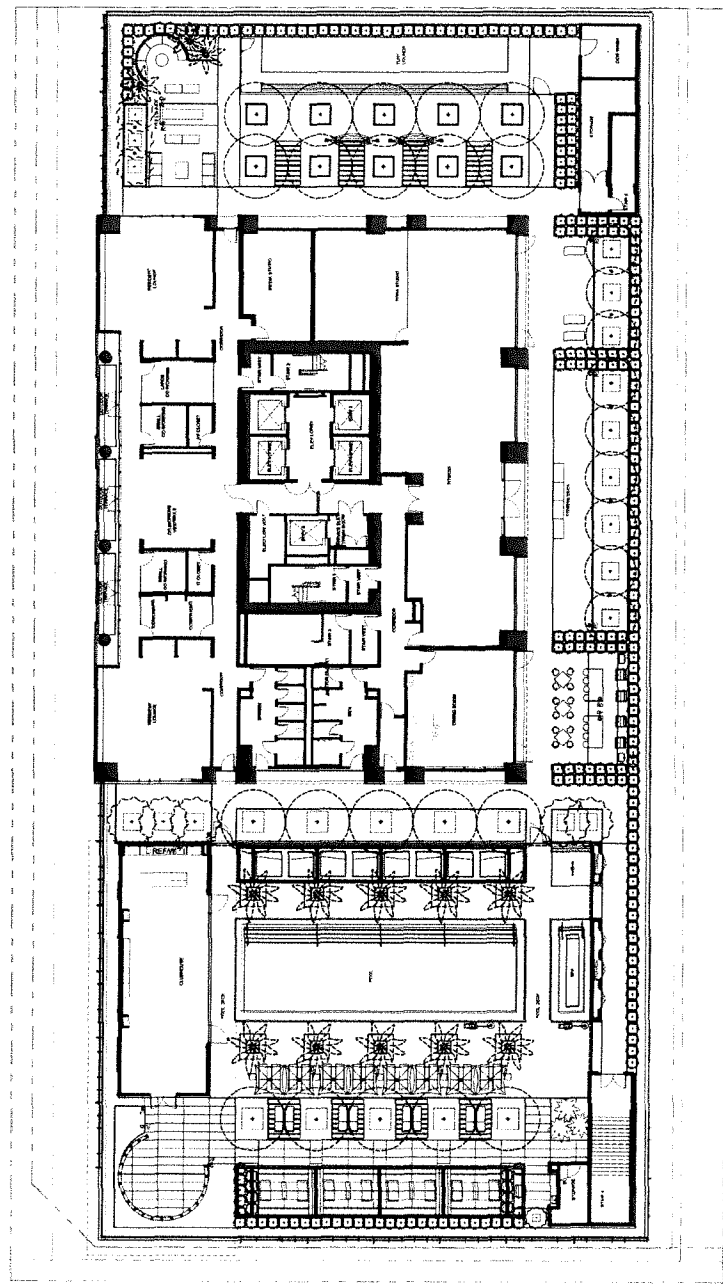
See LEVEL 02 for Dimensions

EXHIBIT "A"

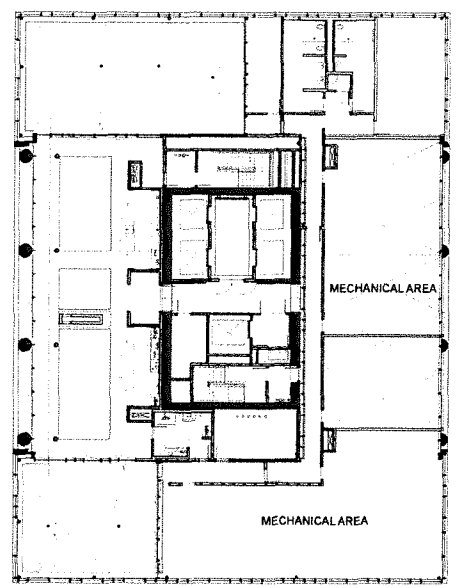
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Case No. CPC-2016-1730-DR-SPK

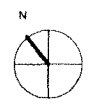


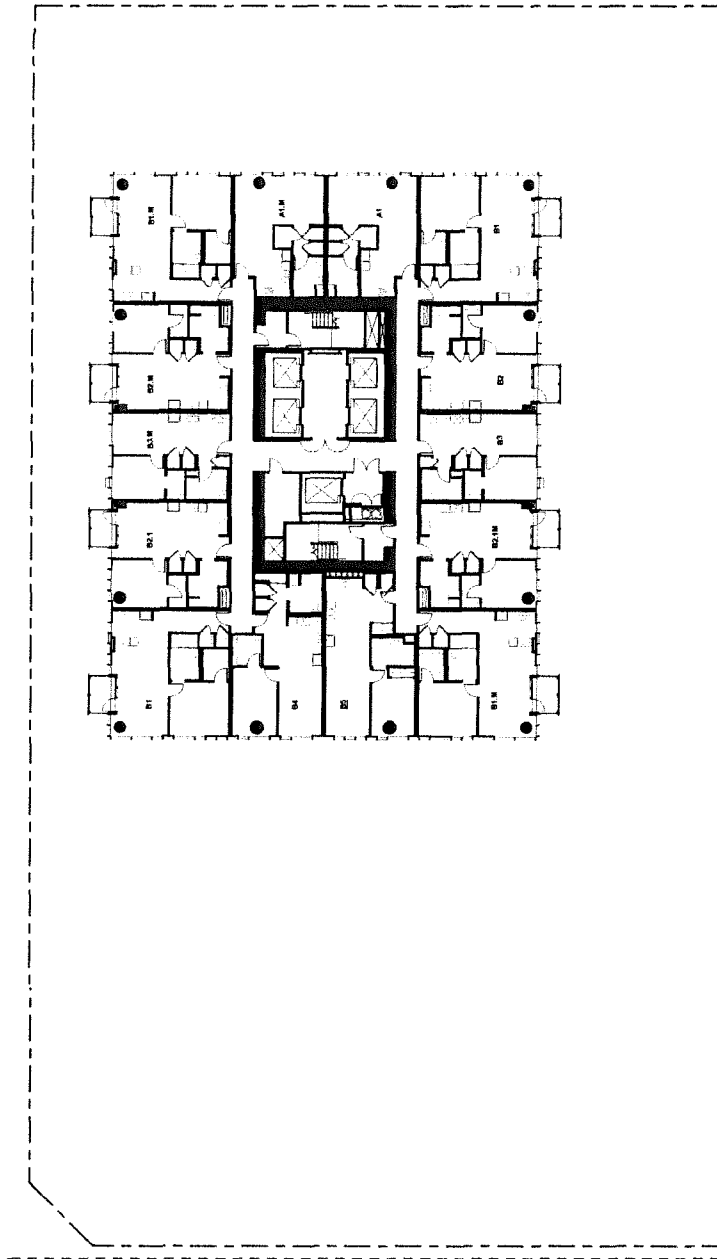


2 5TH FLOOR (PODIUM)
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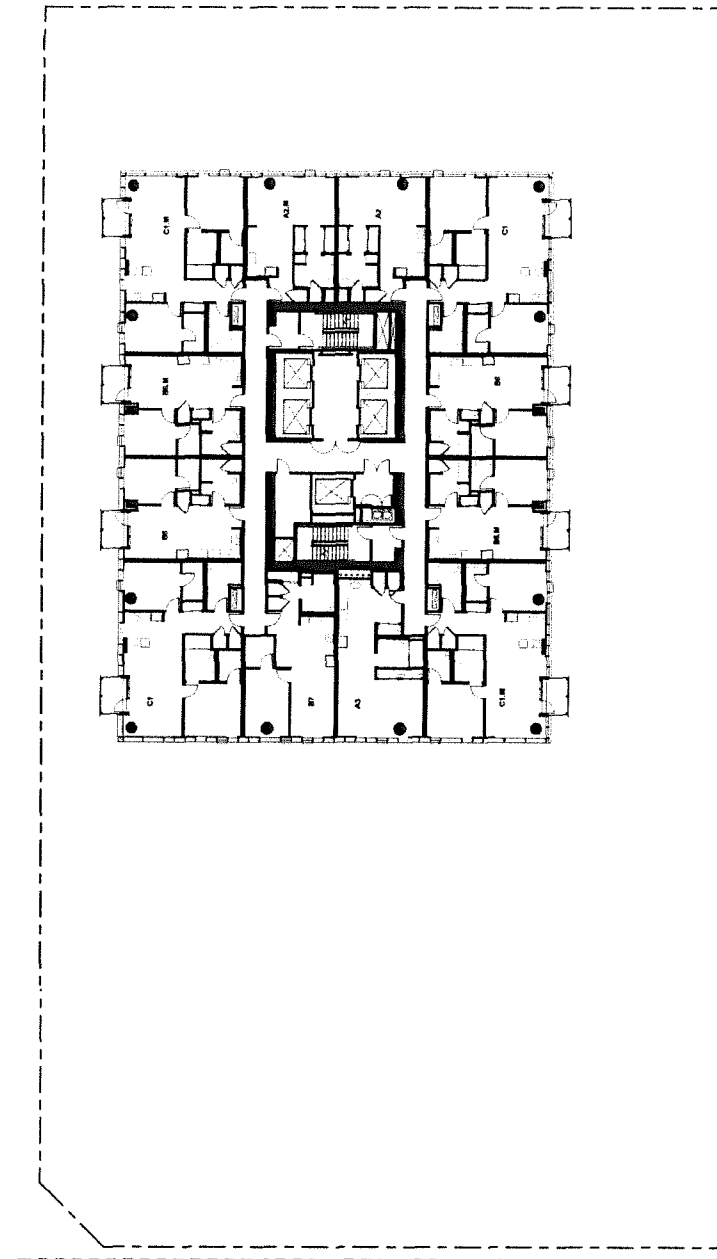


1 LEVEL 41 TOWER PLAN
SCALE: 1/16" = 1'-0"



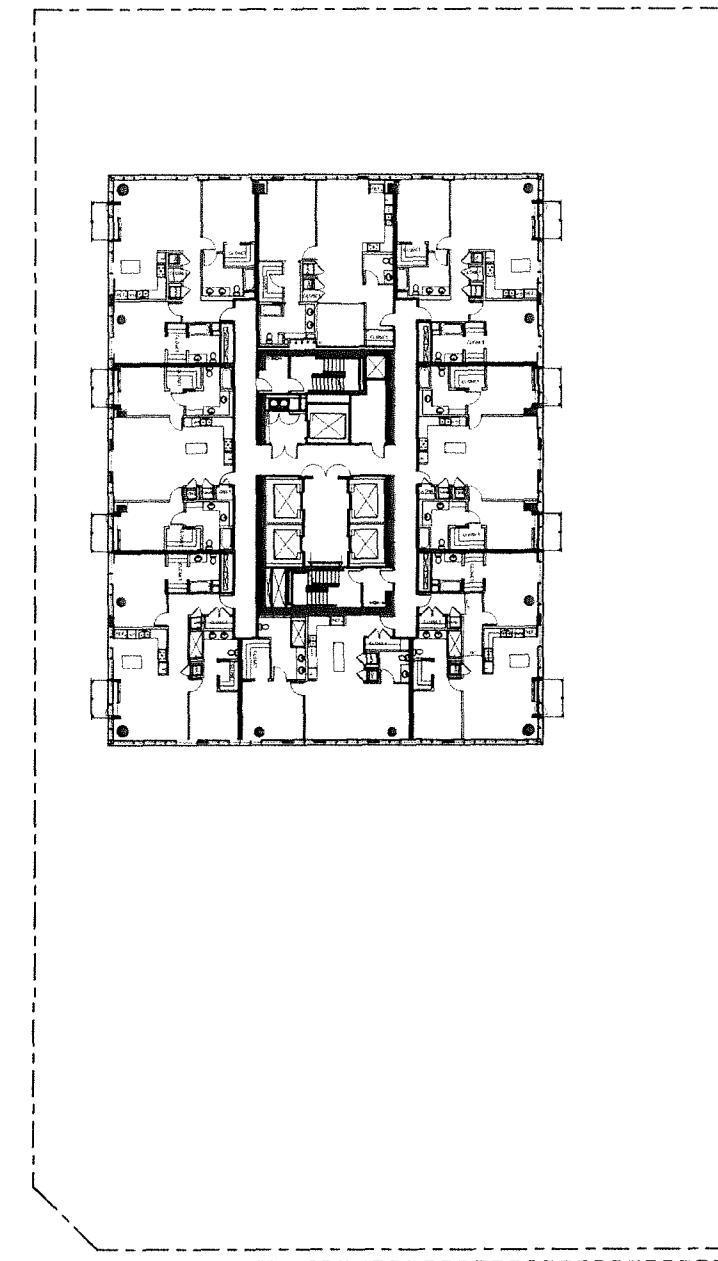


2 LEVEL 06-18 TOWER PLAN
SCALE: 1/16" = 1'-0"

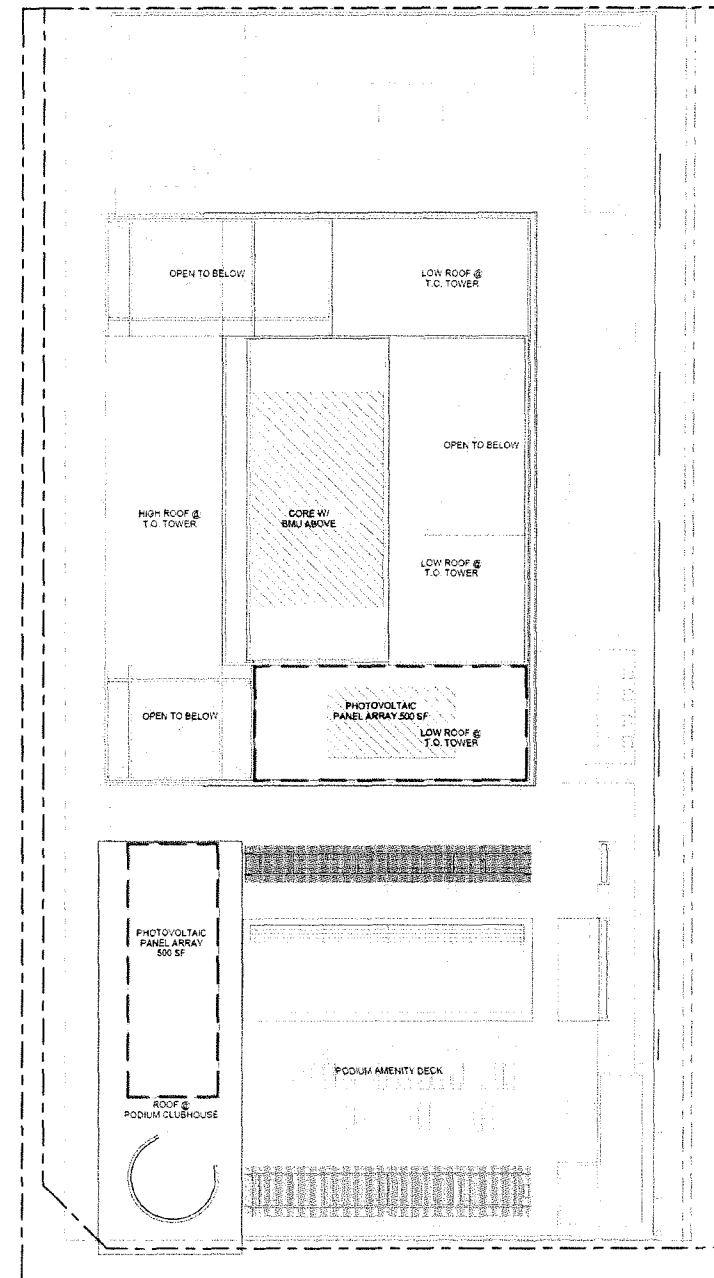


1 LEVEL 19-38 TOWER PLAN
SCALE: 1/16" = 1'-0"

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Page No. 8 of 17
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2 LEVEL 39-40 TOWER PLAN
SCALE: 1/16" = 1'-0"

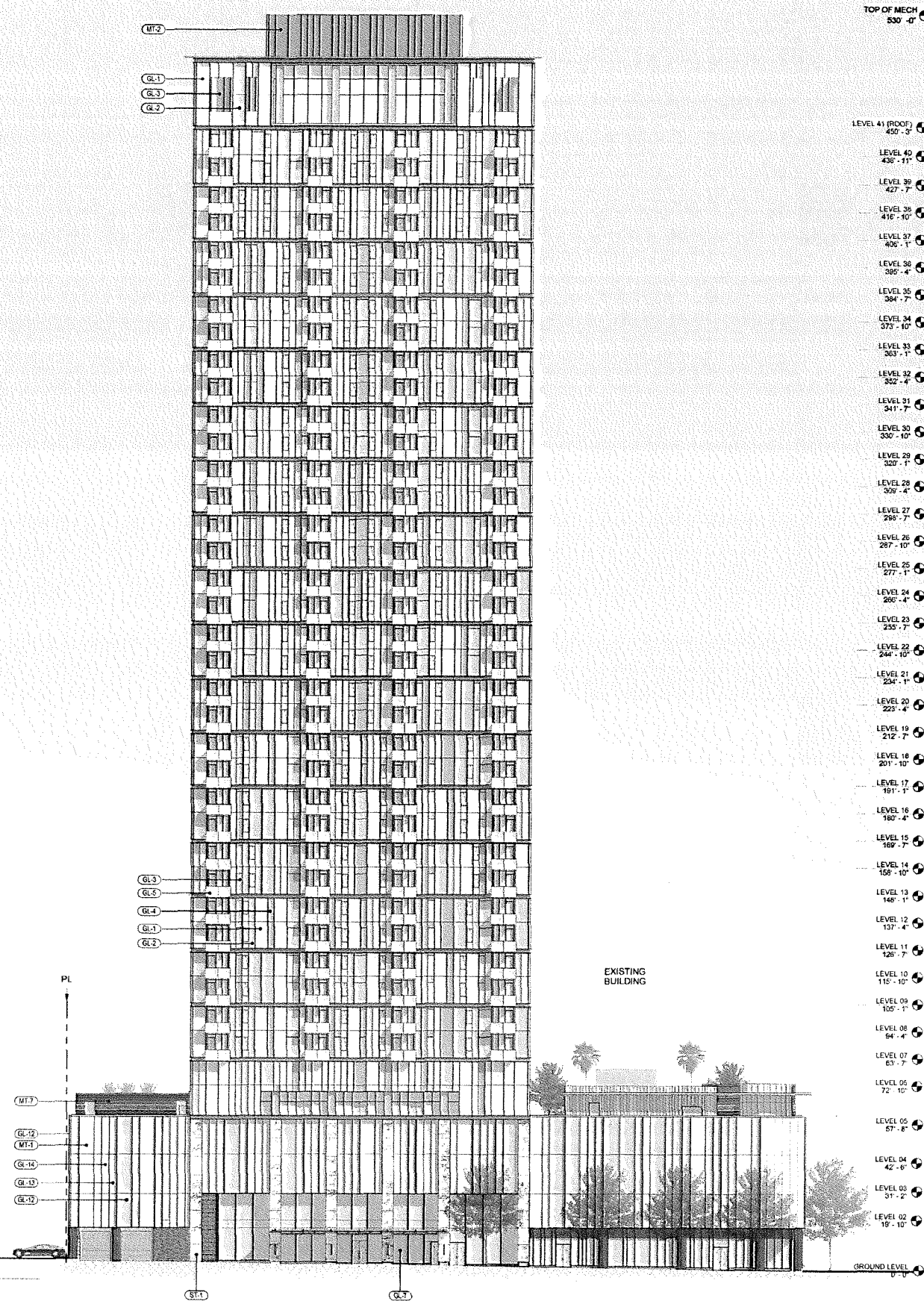


1 AMENITY DECK/TOWER ROOF PLAN
SCALE: 1/16" = 1'-0"

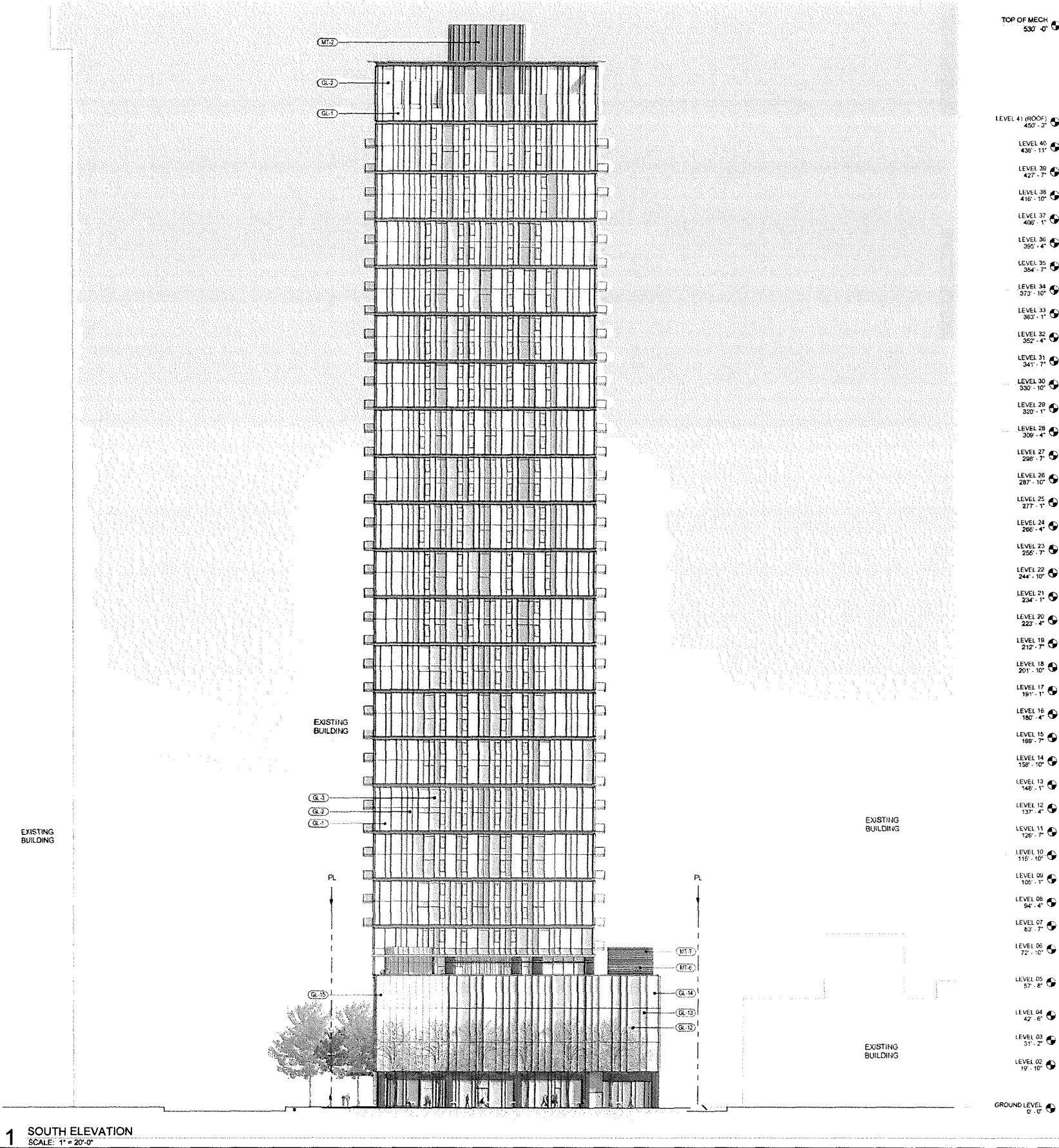
EXHIBIT "A"
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Case No. CPC-2016-1950-TDR-SPR

MATERIAL KEY	
TYPE	DESCRIPTION
GL-1	VISION GLASS CLEAR
GL-2	VISION GLASS CLEAR W/ GREY FRIT
GL-3	SPANDREL GLASS
GL-4	SPANDREL GLASS W/ GREY FRIT
GL-5	LAMINATED VISION GLASS CLEAR
GL-7	LOBBY VISION GLASS CLEAR
GL-12	SPANDREL GLASS GREY
GL-13	SPANDREL GLASS DARK GREY
GL-14	CLEAR VISION GLASS W/ SHADOWBOX
GL-15	CLEAR VISION GLASS (CORNER SCREEN)
MT-2	METALIC METAL COATING SILVER
MT-6	PRE FINISHED CORRUGATED METAL PANEL
MT-7	PRE FINISHED CORRUGATED METAL PANEL
ST-1	STONE WALL/COLUMN CLADDING

1 WEST ELEVATION
SCALE: 1" = 20'-0"



MATERIAL KEY	
TYPE	DESCRIPTION
GL-1	VISION GLASS CLEAR
GL-2	VISION GLASS CLEAR W/ GREY FRIT
GL-3	SPANDREL GLASS
GL-4	SPANDREL GLASS W/ GREY FRIT
GL-5	LAMINATED VISION GLASS CLEAR
GL-7	LOBBY VISION GLASS CLEAR
GL-12	SPANDREL GLASS GREY
GL-13	SPANDREL GLASS DARK GREY
GL-14	CLEAR VISION GLASS W/ SHADOWBOX
GL-15	CLEAR VISION GLASS (CORNER SCREEN)
MT-2	METALIC METAL COATING SILVER
MT-6	PRE FINISHED CORRUGATED METAL PANEL
MT-7	PRE FINISHED CORRUGATED METAL PANEL
ST-1	STONE WALL/COLUMN CLADDING



MATERIAL KEY	
TYPE	DESCRIPTION
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GL-7	LOBBY VISION GLASS CLEAR
GL-12	SPANDREL GLASS GREY
GL-13	SPANDREL GLASS DARK GREY
GL-14	CLEAR VISION GLASS W/ SHADOWBOX
GL-15	CLEAR VISION GLASS (CORNER SCREEN)
MT-2	METALIC METAL COATING SILVER
MT-6	PRE FINISHED CORRUGATED METAL PANEL
MT-7	PRE FINISHED CORRUGATED METAL PANEL
ST-1	STONE WALL/COLUMN CLADDING

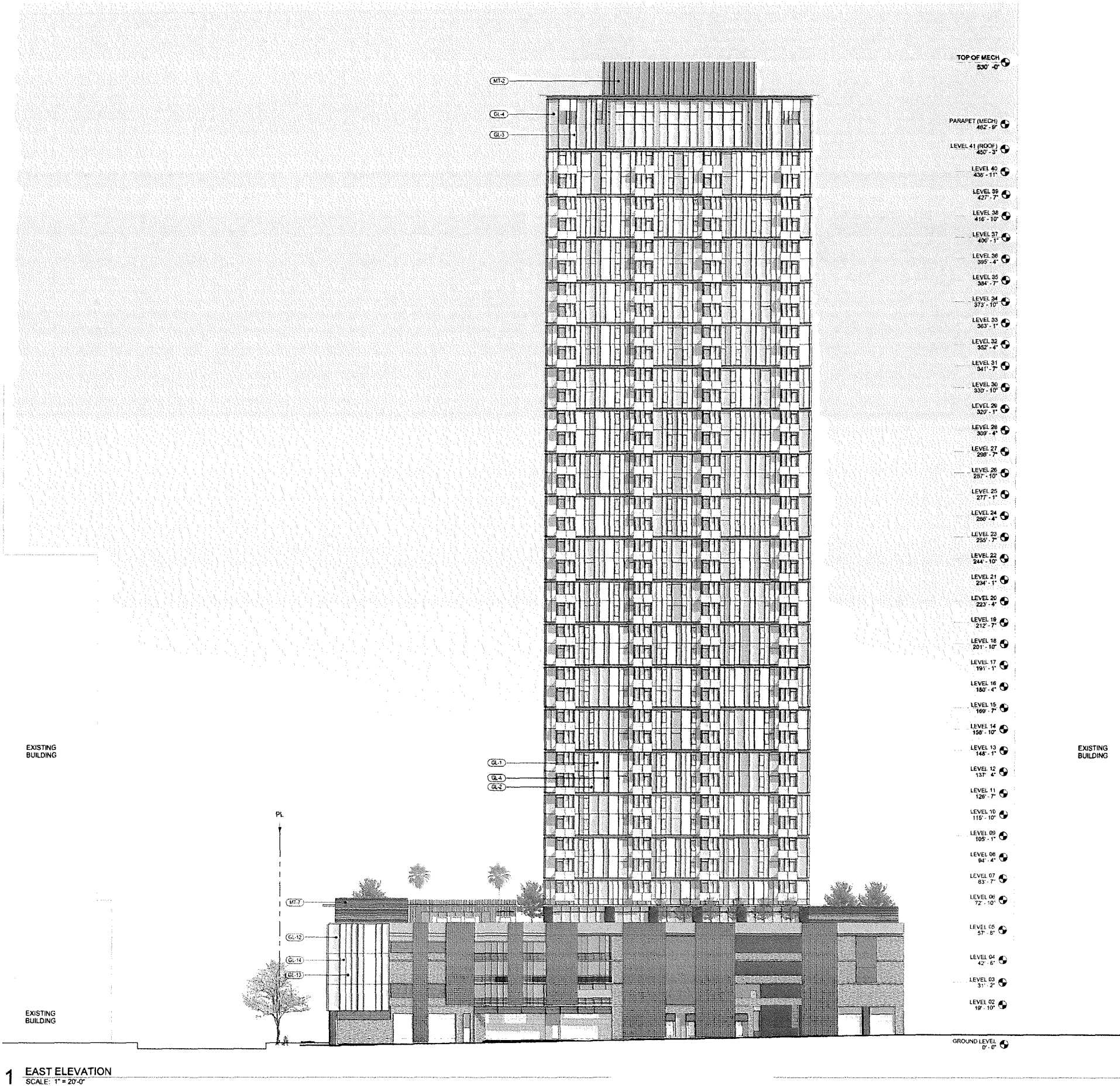
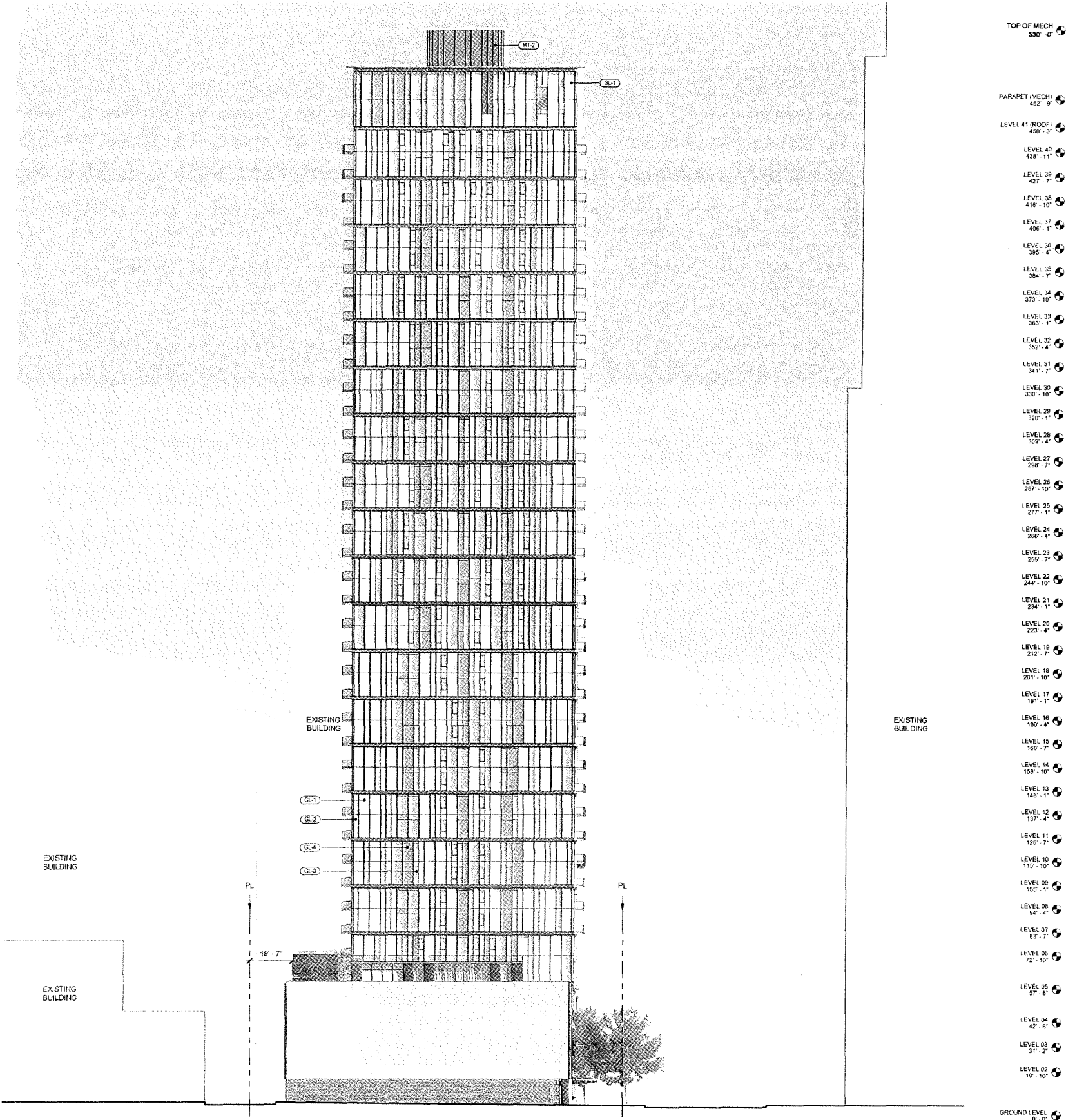


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MATERIAL KEY	
TYPE	DESCRIPTION
GL-1	VISION GLASS CLEAR
GL-2	VISION GLASS CLEAR W/ GREY FRIT
GL-3	SPANDREL GLASS
GL-4	SPANDREL GLASS W/ GREY FRIT
GL-5	LAMINATED VISION GLASS CLEAR
GL-7	LOBBY VISION GLASS CLEAR
GL-12	SPANDREL GLASS GREY
GL-13	SPANDREL GLASS DARK GREY
GL-14	CLEAR VISION GLASS W/ SHADOWBOX
GL-15	CLEAR VISION GLASS (CORNER SCREEN)
MT-2	METALIC METAL COATING SILVER
MT-6	PRE FINISHED CORRUGATED METAL PANEL
MT-7	PRE FINISHED CORRUGATED METAL PANEL
ST-1	STONE WALL/COLUMN CLADDING



MATERIAL KEY	
TYPE	DESCRIPTION
GL-1	VISION GLASS CLEAR
GL-2	VISION GLASS CLEAR W/ GREY FRIT
GL-3	SPANDREL GLASS
GL-4	SPANDREL GLASS W/ GREY FRIT
GL-5	LAMINATED VISION GLASS CLEAR
GL-7	LOBBY VISION GLASS CLEAR
GL-12	SPANDREL GLASS GREY
GL-13	SPANDREL GLASS DARK GREY
GL-14	CLEAR VISION GLASS W/ SHADOWBOX
GL-15	CLEAR VISION GLASS (CORNER SCREEN)
MT-2	METALIC METAL COATING SILVER
MT-6	PRE FINISHED CORRUGATED METAL PANEL
MT-7	PRE FINISHED CORRUGATED METAL PANEL
ST-1	STONE WALL/COLUMN CLADDING

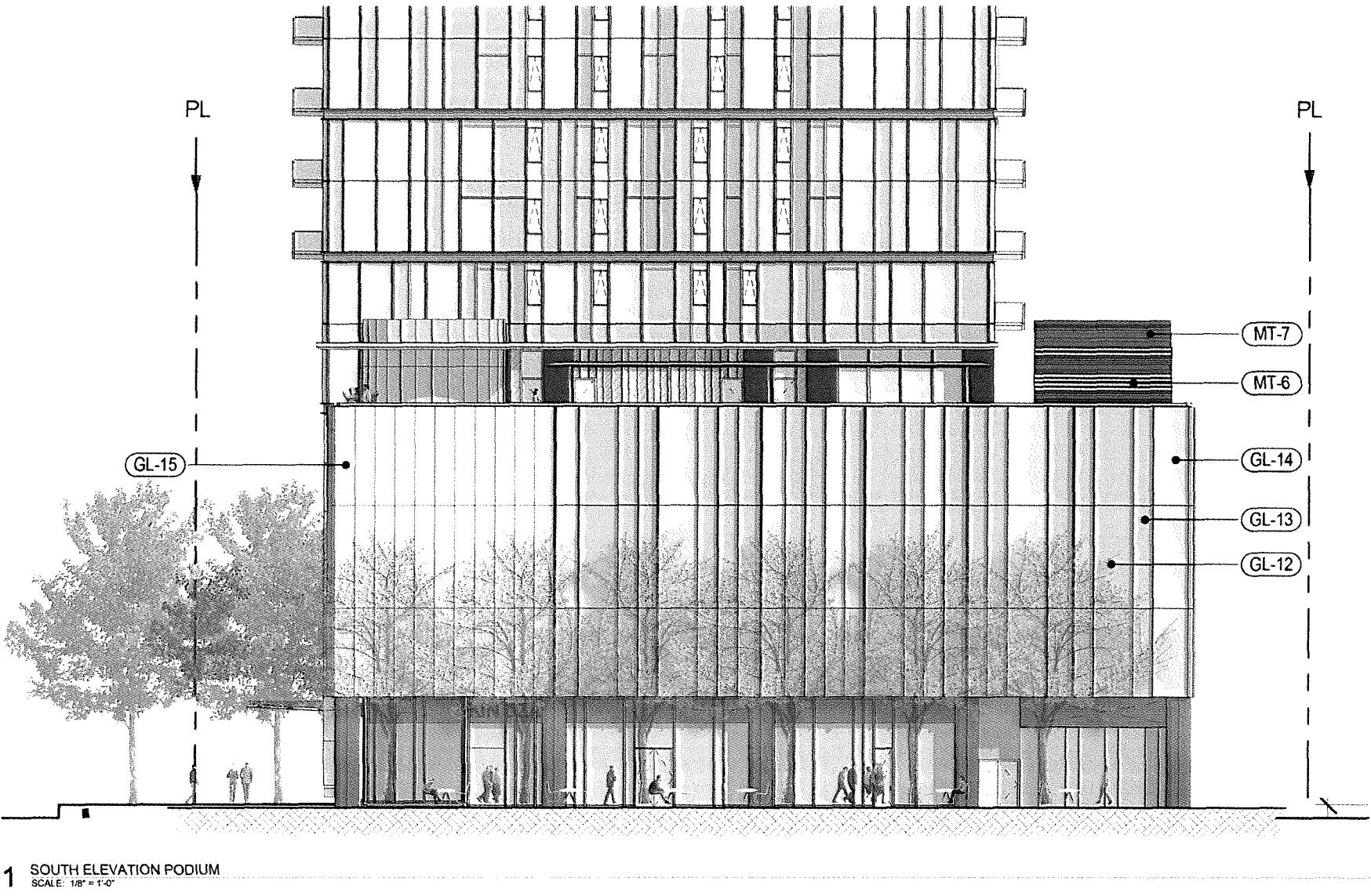


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MATERIAL KEY	
TYPE	DESCRIPTION
GL-1	VISION GLASS CLEAR
GL-2	VISION GLASS CLEAR W/ GREY FRIT
GL-3	SPANDREL GLASS
GL-4	SPANDREL GLASS W/ GREY FRIT
GL-5	LAMINATED VISION GLASS CLEAR
GL-7	LOBBY VISION GLASS CLEAR
GL-12	SPANDREL GLASS GREY
GL-13	SPANDREL GLASS DARK GREY
GL-14	CLEAR VISION GLASS W/ SHADOWBOX
GL-15	CLEAR VISION GLASS (CORNER SCREEN)
MT-2	METALIC METAL COATING SILVER
MT-6	PRE FINISHED CORRUGATED METAL PANEL
MT-7	PRE FINISHED CORRUGATED METAL PANEL
ST-1	STONE WALL/COLUMN CLADDING

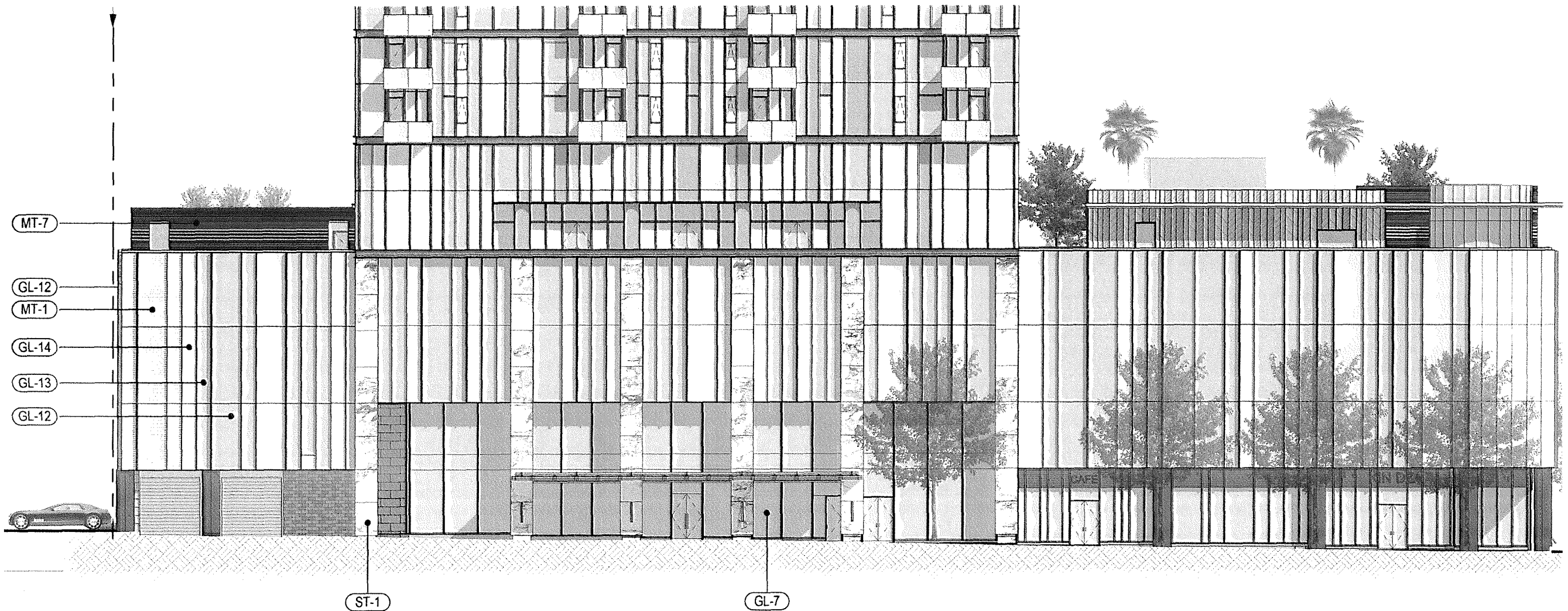


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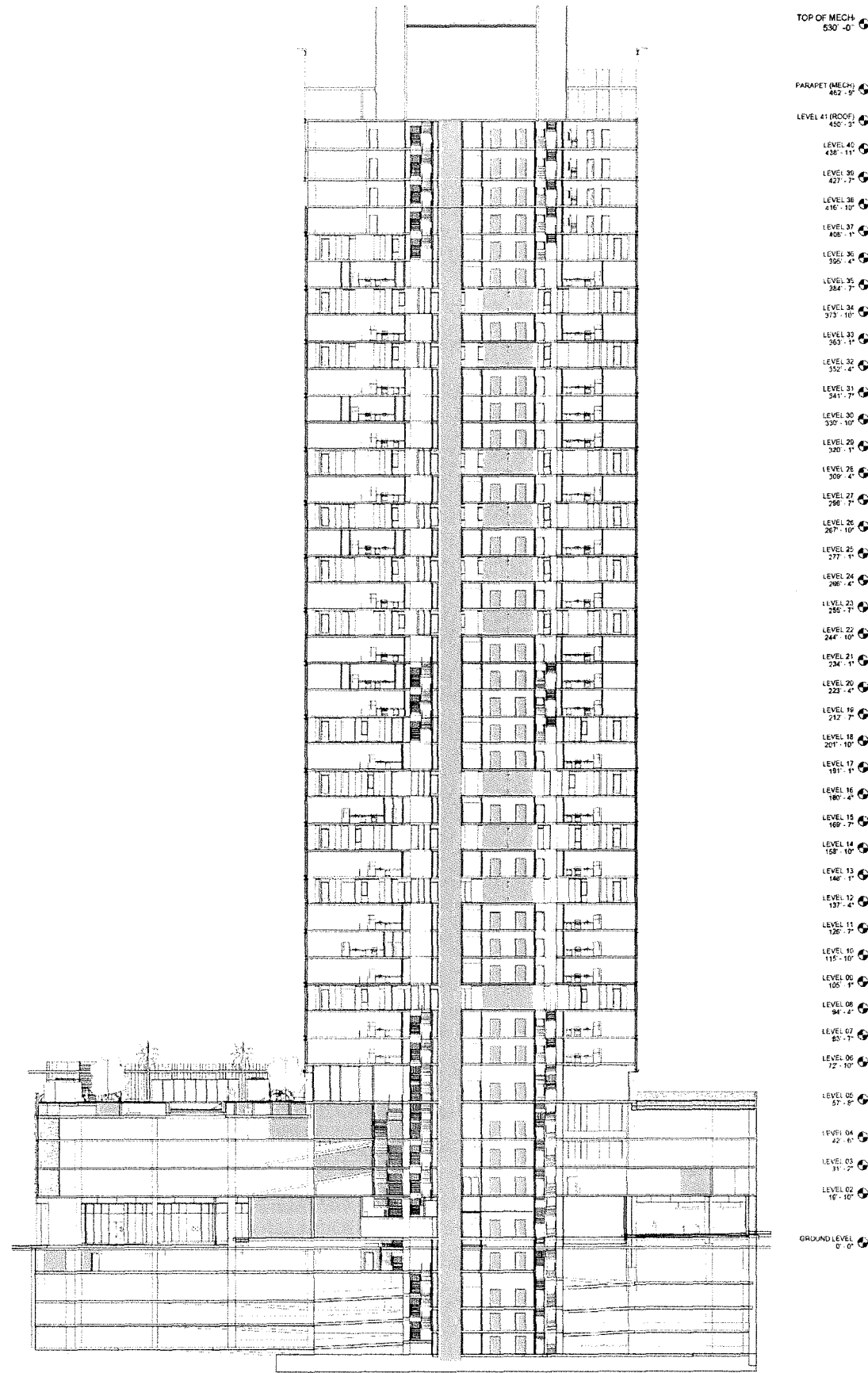
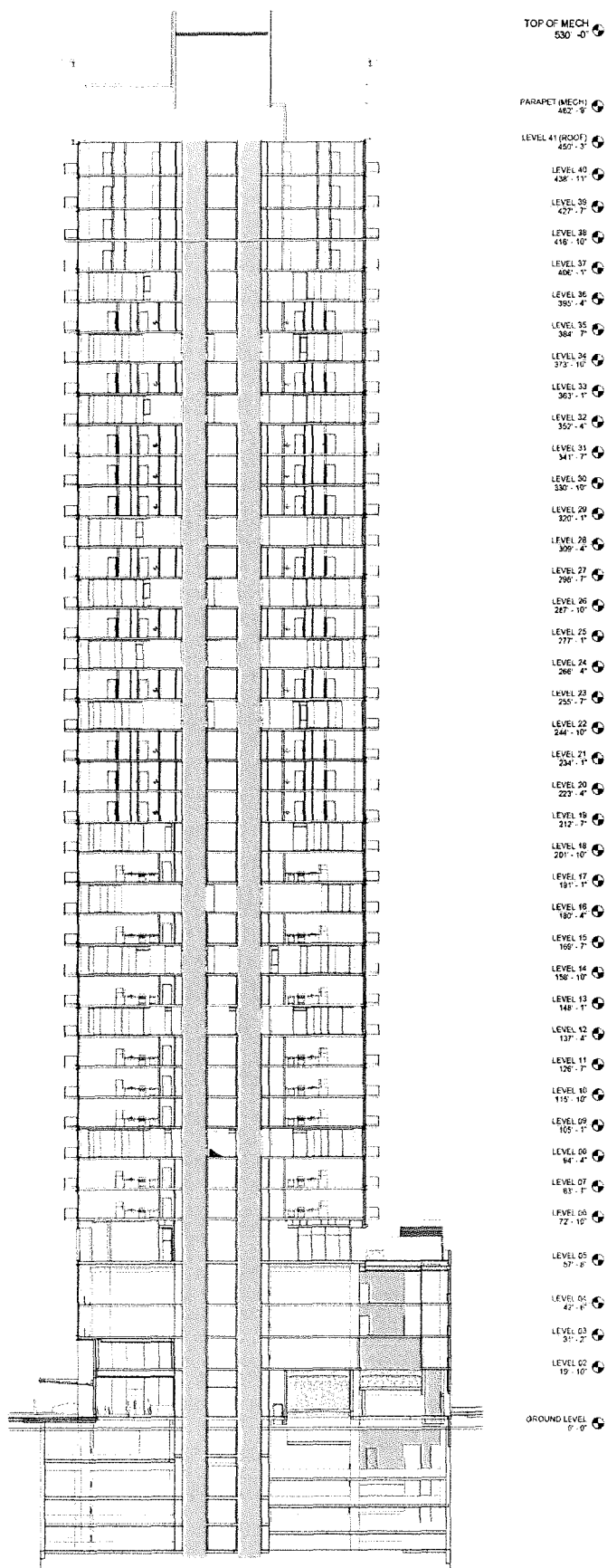
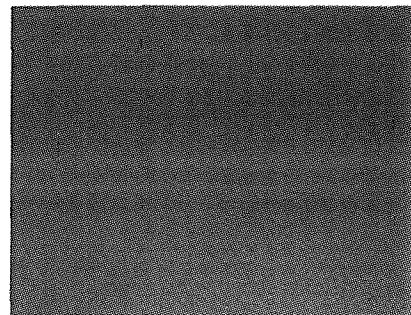
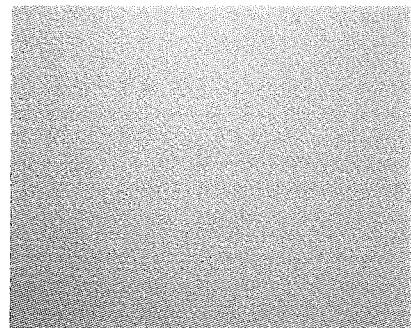


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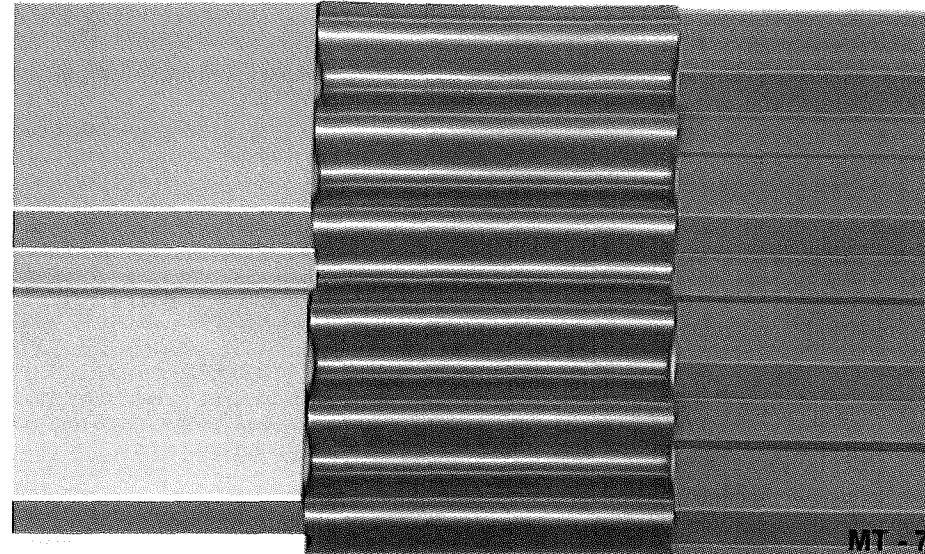
MT - 5



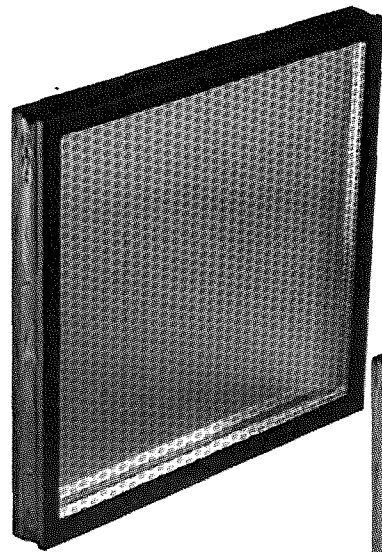
MT - 1



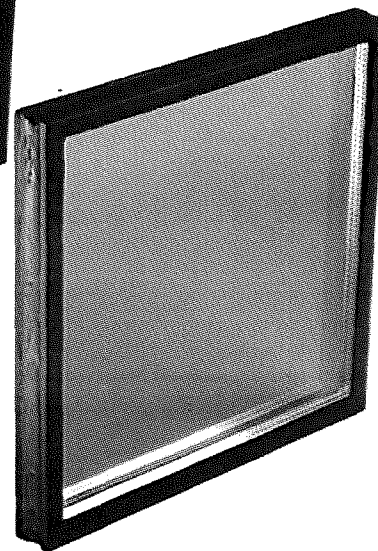
MT - 9



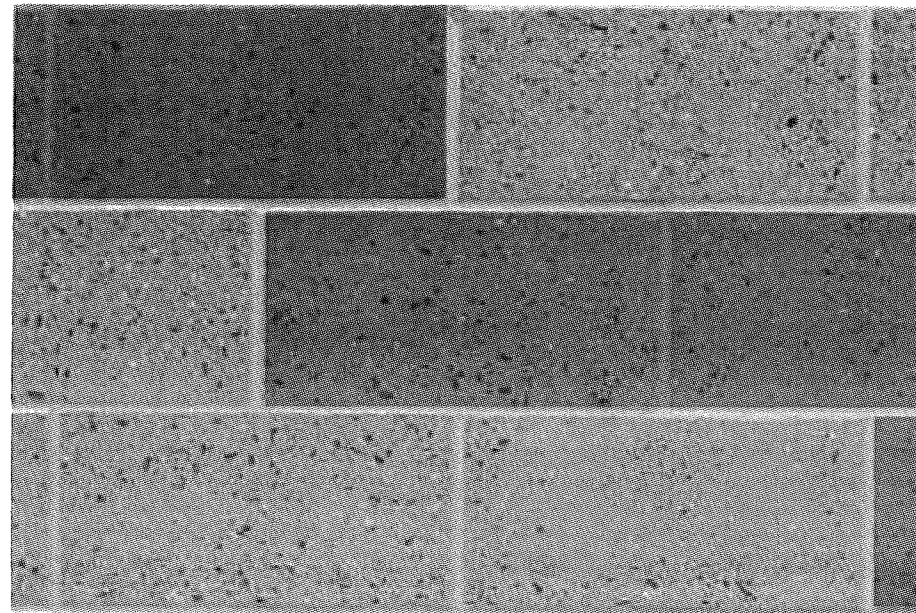
MT - 7



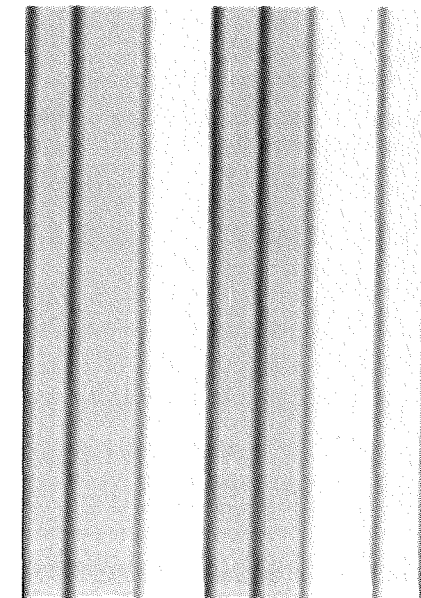
GL-2 (WITH DOT PATTERN)



GL-1 / GL-2



C-2



MT-8

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