



LOS ANGELES CITY PLANNING COMMISSION

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

Determination Mailing Date: OCT 17 2014

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

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

Council District: 14 – Huizar

Plan Area: Central City

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

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

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

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

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Dake-Wilson

Seconded: Ahn

Ayes: Ambroz, Choe, Katz, Mack, Perlman

Absent: Cabildo, Segura

Vote: 7 – 0



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

Effective date/Appeals: The decision of the City Planning Commission is effective upon the mailing date of the determination letter and becomes final if no appeals are filed within the **15-day appeal period**. Any aggrieved party may appeal the Commission's determination. Any appeal not filed within the **15-day period** shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

Final Appeal Date: NOV 03 2014

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

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

CONDITIONS OF APPROVAL

General Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
2. **Use.** The Project Site shall be limited to a maximum of 522 dwelling units and 4,500 square feet of commercial/retail use on the ground floor. Individual tenant spaces must be built with a depth not less than 25 feet and an average 14'-0" floor-to-ceiling height.
3. **Height.** The building height shall not exceed 636 feet, which shall be measured according to the LAMC. Any structures on the roof, such as air conditioning units and other equipment shall be fully screened from view of any abutting properties.
4. **Downtown Design Guide.** Plans shall be revised to reflect that the Project is consistent with the following:
 - a. Street trees shall be spaced not more than an average of 25 feet on center and shall comply with Downtown Design Guide Section 9.F_or as required by the Bureau of Street Services, Urban Forestry Division.
 - b. Continuous landscaped parkways shall be provided along South Olive Street, where feasible. Where there is curbside parking, one walkway for each one or two parking spaces shall be provided through the parkway. If landscaped parkways are not feasible, the trees shall be planted in tree wells designed to the standards identified in the Downtown Design Guide, a minimum of 7' wide.
 - c. The 1,975 square foot common room / lobby located on the ground floor shall be reduced in size. At least 50% of the frontage of the common room / lobby shall be redesigned as retail square footage. This new area of retail space shall be built with a depth not less than 25 feet and an average 14'-0" floor-to-ceiling height.
 - d. Exterior lighting for the building and landscaping shall comply with Downtown Design Guide Section 8.F.
 - e. A master sign plan for the entire project shall be submitted to planning staff in the Metro Neighborhood Projects Section prior to final clearance. The master sign plan shall identify all sign types that can be viewed from the street, sidewalk or public right-of-way and shall comply with Downtown Design Guide Section 10.
5. **Dedications and Improvements.** The applicant shall provide highway dedication, street widening and/or sidewalk requirements to the satisfaction of the City of Los Angeles Bureau of Engineering:
 - a. Hill Street has been re-designated to a Modified 2-Way Secondary Highway, which requires a 28-foot half-width roadway within a 46-foot half-width right-of-way and an 18-foot sidewalk.
 - b. Olive Street has been re-designated to a Modified Secondary Highway, which requires a 28-foot half-width roadway within a 45-foot half-width right-of-way, and a 17-foot sidewalk.

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

TFAR Conditions

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

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

Zone Variance Conditions

10. Parking. The Project shall provide a maximum of 533 parking spaces.

- a. Residential Parking: A maximum of 533 parking spaces shall be provided for the residential units.
- b. Commercial Parking: No parking shall be required for the commercial uses.
- c. In the event that the number of residential units is reduced, or the composition of such units should change, the total number of parking spaces required shall be recalculated. However, in no event shall the parking provided be greater than the maximum required under LAMC regulations.

11. Compact Parking Stalls. The Project shall provide a minimum of 324 standard parking spaces with the remainder of parking spaces to be any combination of standard and compact spaces.

12. Open Space. The Project shall provide the following amounts of open space, landscaped common open space, and trees:

- a. A 9% reduction of open space is approved for a minimum of 53,986 square feet of open space required.
- b. A minimum of 47 trees shall be provided on site. Final plans shall be updated to include at least one additional on-site tree for a total of 47 on-site trees. Street trees shall be spaced not more than an average of 25 feet on center and shall comply with Downtown Design Guide Section 9.F. At least 50 percent of the provided trees shall be canopy trees in conformance with Downtown Design Guide Section 7.
- c. The 84 trees required by LAMC Section 12.21 G.2(a)(3) that cannot be accommodated on site shall be planted off-site by City Plants, a public-private partnership with the City of Los Angeles under the Board of Public Works. The first priority for the location of off-site plantings shall be within the Central City Community Plan Area, and second at the discretion of City Plants. The applicant shall provide funds to City Plants equivalent to those necessary for the trees, concrete cut, planting, and 5 years of watering and maintenance for each tree.

An agreement with City Plants demonstrating compliance with this condition shall be furnished at the time of Building Permit Clearance. Contact City Plants, at [\(213\) 473-9950](tel:2134739950) to execute the agreement.

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

Master Conditional Use for Alcohol Conditions

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

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

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

Environmental Conditions

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

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

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

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

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

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