



CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801
(213) 978-1300

<http://planning.lacity.org/>

Determination Mailing Date: MAR 13 2015

Case No.:	CPC-2014-326-ZC-TDR-ZV-MS-CDO-SPR	Location:	400, 410, 412, 414, 418, 420, 422 S. Broadway 218, 230 West 4 th Street
CEQA No.:	ENV-2013-3187-MND	Council No.:	14 – Huizar
Related Case:	TT-72418-CN	Plan Area:	Central City
Applicant:	Izek Shomof, Grand Pacific 7-28, LLC Rep.: Hamid Behdad, PE, Central City Development Group	Zone:	[Q]C4-4D-CDO
		Requested Actions:	Zone Change, Transfer of Development Rights, Zone Variance, Director's Decision, CDO, Plan Approval, Site Plan Review

At its meeting on March 12, 2015, the following action was taken by the City Planning Commission:

1. **Approved** a **Transfer of Floor Area Rights**, pursuant to Sections 14.5.6 and 14.5.8 through 14.5.12 of the LAMC, from the Los Angeles Convention Center (Donor Site) at 1201 S. Figueroa Street for the approximate amount of 227,742 square feet to the project site (Receiver Site) permitting a maximum FAR of 12.65:1 and 433,260 square feet of floor area in lieu of a 6:1 FAR which permits 205,518 square feet of floor area.
2. **Adopted** the attached modified **Conditions of Approval**.
3. **Adopted** the attached **Findings**.
4. **Adopted** the **Mitigation Monitoring and Reporting Program** (Mitigated Negative Declaration No. **ENV-2013-3187-MND**).

This action was taken by the following vote:

Moved: Perlman
Seconded: Segura
Ayes: Ahn, Ambroz, Choe, Katz, Mack, Dake-Wilson
Absent: Cabildo

Vote: 8 - 0

At its meeting on February 12, 2015, the following action was taken by the City Planning Commission:

1. **Approved** a **Zone Change** to amend [Q] Qualified Condition Number 11 of Ordinance 180,871 to permit a reduced floor to ceiling height of 9 feet, in lieu of 15 feet, for 580 square feet of the ground floor (and a total of 5,500 square feet of the entire ground floor).
2. **Denied as Not Necessary** a **Variance** from Los Angeles Municipal Code (LAMC) Section 12.21 A.5(a)(1), to reduce the parking stall width for 88 residential standard parking spaces from the code-required 8'-6" to 8'-4".
3. **Denied as Not Necessary** a **Variance** from LAMC Section 12.21 A.5(b) to reduce the drive aisle width for the ground floor, floors B1, B2, 2, 3, 4, 5 and 6 from the code-required 28'-0" to 26'-8".

4. **Denied as Not Necessary** a **Variance** from LAMC Section 12.21 G.2(a)(3) to permit 84 trees in lieu of the required 113 trees.
5. **Denied as Not Necessary** a **Director's Decision** per Section 12.21 G.3 of the LAMC to permit a 4.3 percent reduction to the required open space (46,887 square feet in lieu of 48,975 square feet).
6. **Approved** a **Director's Decision** per Section 12.21 G.3 of the LAMC to permit a 10 percent increase in the qualifying area of recreation rooms for a maximum of 35 percent, or 16,643 square feet.
7. **Approved** a **CDO Plan Approval** for a mixed-use project in the Broadway Theater and Entertainment CDO.
8. **Approved** a **Site Plan Review**, pursuant to Section 16.05 of the LAMC, for a project that creates a maximum 433,260 square feet of development including 450 residential units and 6,904 square feet of retail/commercial uses.
9. **Adopted** the attached modified **Conditions of Approval**.
10. **Adopted** the attached **Findings**.
11. **Adopted** Mitigated Negative Declaration No. **ENV-2013-3187-MND**.
12. **Advised** the applicant that, pursuant to 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 Notice of Determination (NOD) filing.

RECOMMENDATIONS TO CITY COUNCIL:

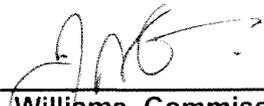
1. **Recommend** the City Council **adopt** a **Zone Change** to amend [Q] Qualified Condition Number 11 of Ordinance 180,871 to permit a reduced floor to ceiling height of 9 feet, in lieu of 15 feet, for 580 square feet of the ground floor (and a total of 5,500 square feet of the entire ground floor).
2. **Recommend** the City Council **adopt** a **Transfer of Floor Area Rights**, pursuant to Sections 14.5.6 and 14.5.8 through 14.5.12 of the LAMC, from the Los Angeles Convention Center (Donor Site) at 1201 S. Figueroa Street for the approximate amount of 227,742 square feet to the project site (Receiver Site) permitting a maximum FAR of 12.65:1 and 433,260 square feet of floor area in lieu of a 6:1 FAR which permits 205,518 square feet of floor area.
3. **Recommend** the City Council **adopt** Mitigated Negative Declaration No. **ENV-2013-3187-MND**.

This action was taken by the following vote:

Moved: Perlman
Seconded: Cabildo
Ayes: Ahn, Ambroz, Choe, Katz, Mack, Segura, Dake-Wilson

Vote: 9 - 0

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



James K. Williams, Commission Executive II
City Planning Commission

Effective Date/Appeals: The City Planning Commission's determination is appealable (the Zone Change is not appealable). Any aggrieved party may file an appeal within 15-days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the City Council. All appeals shall be filed on forms provided at the Planning

Effective Date/Appeals: The City Planning Commission's determination is appealable (the Zone Change is not appealable). Any aggrieved party may file an appeal within 15-days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the City 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: MAR 31 2015

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, Findings
City Planning Staff: Blake Lamb, Jennifer Karmels
Senior Planner: Shana Bonstin

FINDINGS

- 1. Zone Change** – Pursuant to Section 12.32 of the Municipal Code, the Applicant requests a Zone Change to modify [Q] Qualified Condition Number 11 of Ordinance 180,871. The Ordinance, which became effective on October 26, 2009, established the Broadway Theater and Entertainment District Design Guide (Community Design Overlay District or CDO) and contains [Q] Qualified Conditions which provide requirements for use and design. [Q] Condition Number 11 requires that the minimum floor-to-ceiling height of the ground floor of any new building be 15 feet. The Applicant is requesting a Zone Change to modify this Q Condition requirement in order to allow approximately 580 square feet of the southernmost retail space (and a total of 5,500 square feet of the entire ground floor) to have a floor-to-ceiling height of less than 15 feet.

General Plan/Charter Findings

- A. General Plan Land Use Designation.** The proposed Project Site is located within the Central City Community Plan Area of the City of Los Angeles. The Central City Community Plan was adopted January 8, 2003. The land use designation for the Project Site is Regional Center Commercial. The Project Site has a zoning classification of [Q]C4-4D-CDO. The site is permitted to be developed with residential and commercial uses and is in Height District 4.

The “D” designation for the Project Site denotes a development limitation, which subject to certain provisions limits the developable floor area to six times the buildable area of the site (6:1 FAR). Although the Project Site is subject to such provisions, the developable floor area may be increased to 13 times the buildable area of the site (13:1 FAR), through a transfer of floor area request.

The Project proposes a 34-story residential tower on a 34,253 square-foot corner site with frontage along South Broadway and West 4th Street. The tower would be built upon a 12-story podium. Parking is contained in two subterranean and six above-grade levels. Above-grade parking would be screened by active uses on the ground floor and the fifth and sixth floors. The remaining three above-grade levels would be architecturally screened. Commercial/retail spaces would line the ground floor along Broadway and 4th Street. The Project would contain a total of 433,260 square feet of development, resulting in a Floor Area Ratio (FAR) of 12.65:1. The Applicant is requesting a Transfer of Floor Area Rights (TFAR) of more than 50,000 square feet from the Los Angeles Convention Center (Donor Site) pursuant to Ordinance No. 181,574 and Section 14.5.6 B. of the Los Angeles Municipal Code (LAMC).

The [Q] Conditions for the property were established by Ordinance 180,171. The Ordinance, which became effective on October 26, 2009, established the Broadway Theater and Entertainment District Design Guide (Community Design Overlay District or CDO) and contains [Q] Qualified Conditions which contain requirements for use and design. [Q] Condition Number 11 requires that the minimum floor-to-ceiling height of the ground floor of any new building be 15 feet. The Applicant is requesting a Zone Change to modify this Q Condition requirement in order to allow approximately 580 square feet of the southernmost retail space (and a total of 5,500 square feet of the entire ground floor) to have a floor-to-ceiling height of less than 15 feet.

The requested Zone Change would not change the zone of the property, but would modify [Q] Condition Number 11 to permit a lower floor-to-ceiling height. The zone

change would be consistent with the General Plan Land Use Designation and is in substantial conformance with the purposes intent and provisions of the General Plan as reflected in the adopted Community Plan.

B. *General Plan Text.*

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The Project Site is located entirely within the boundaries of the Central City Community Plan. The Project Site has a land use designation of Regional Center Commercial. The proposed mixed-use development with multi-family residential and commercial uses is consistent with the properties' land use designations and the underlying zoning. The proposed Project will be in substantial conformance with the purposes, intent, and provisions of the General Plan and all of its elements.

The Framework Element

The Framework Element for the General Plan (Framework Element) was adopted by the Los Angeles City Council on December 11, 1996 and re-adopted on August 8, 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the Project site. The Framework Element of the General Plan establishes general policies for the City of Los Angeles based on projected population growth. Land use, housing, urban form and neighborhood design, open space, economic development, transportation, infrastructure, and public services are all addressed in the context of accommodating future City-wide population increases. The City's various land use "categories" are defined based on appropriate corresponding development standards including density, height, and use.

The Framework Element defines the Downtown Center, which is bounded by Cesar Chavez Avenue to the north; Alameda Street to the east; Santa Monica (10) Freeway to the south; and the Harbor (110) Freeway to the west, as "*an international center for finance and trade that serves the population of the five-county metropolitan region.*" It is the largest government center in the region and the location for major cultural and entertainment facilities, hotels, high-rise residential towers, regional transportation facilities, and the Convention Center. These uses serve the region, state, nation, and global needs. Generally, the Downtown Center is characterized by Floor Area Ratios (FARs) up to 13:1 and high-rise buildings.

The proposed development is consistent with the following Framework Element Downtown Center goals, objectives and policies:

Goal 3G: A Downtown Center as the primary economic, governmental, and social focal point of the region with an enhanced residential community.

Objective 3.11: Provide for the continuation and expansion of government, business, cultural, entertainment, visitor serving, housing, industries, transportation, supporting uses and similar functions at a scale and intensity that distinguishes and uniquely defines the Downtown Center.

Policy 3.11.1: Encourage the development of land uses and implement urban design improvements guided by the Downtown Strategic Plan.

Objective 3.15: Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.

Policy 3.15.3: Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy 3.1.6.

The proposed development is consistent with the following goals, objectives and policies of the Framework Element for Multi-Family Residential:

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

Objective 3.7: Provide for stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The Project site is currently underutilized and improved with a one-story commercial building with rooftop parking. The Applicant proposes to revitalize the site with a mixed-use residential and commercial building that will provide ground floor commercial/retail uses and residential units contained in 34-story, high-rise tower. The Project site is at an optimal location for high-density development as it is located approximately 0.2 miles from the Pershing Square Station, which is served by the Metro Red and Purple Lines. From this station, the Metro Red Line provides access to Hollywood and the San Fernando Valley, with connecting service to the Metro Orange Line (serving the west Valley and Chatsworth). The Metro Red Line and Purple Line serve Downtown including Los Angeles Union Station, with connecting service to the Metro Blue and Expo Lines (serving Long Beach and Culver City), Gold Line (serving Pasadena and East Los Angeles), Amtrak passenger rail, Metrolink commuter rail, and bus service for regional and local lines. The Metro Purple Line also serves Koreatown. The site is also served by multiple bus and shuttle lines. The project site is also located within the Broadway Theater and Commercial District which is characterized by theaters, hotels, shopping areas, and other uses that serve existing residents, downtown area workers, and visitors. The project takes advantage of the location by offering a mixed use project with 450 residential uses and ground floor retail/commercial uses.

The location of the Project near major transit services epitomizes the Framework Element's vision of integrating Downtown Center density with public transportation infrastructure and would encourage the use of transit by on-site residents and their guests, retail patrons, and employees. This development scale is compatible with the Framework Element that envisions that the "Downtown Center would continue to accommodate the highest development densities in the City and function as the principal transportation hub for the region." By enabling the construction of a high-density housing project in close proximity to jobs, services, entertainment uses and a transit rich area, the Zone Change would be consistent with several goals and policies of the Framework Element.

In addition, amending the [Q] condition to allow for a 9 foot floor-to-ceiling height in lieu of the required 15-foot height for approximately 580 square feet of the retail space (and a total of 5,500 square feet of the entire ground floor) will enable the project to provide for visitor-serving and neighborhood-oriented retail that will enhance existing and future residents' and workers quality of life. The reduction in height will not negatively impact the retail space as the area with the reduced height is small and toward the rear of the retail space. The majority of retail square footage will exceed the 15-foot height requirement.

Transportation Element

The City's Transportation Element was adopted by City Council on September 8, 1999. The Transportation Element of the General Plan guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods. The Transportation Element recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit. The project is consistent with the following objectives, policies and programs:

Objective 3: Support development in regional center, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.

Policy 3.12: Promote the enhancement of transit access to neighborhood districts, community and regional centers, and mixed-use boulevards.

Policy 3.13: Enhance pedestrian circulation in ... appropriate locations in regional centers and along mixed use boulevards; promote direct pedestrian linkages between transit portals/platforms and adjacent commercial development through facilities orientation and design.

The project proposes a pedestrian-oriented environment by locating high-density residential with ground floor retail uses in close proximity to public transportation and the jobs rich environment of Downtown. The small reduction, to 9-feet in the floor-to-ceiling height, for a 580 square-foot portion of the retail space (and a total of 5,500 square feet of the entire ground floor) will enable the development of the project which will include neighborhood serving retail uses in close proximity to public transportation and the many pedestrians and shoppers who patronize the Broadway District. Residents who live in the proposed project are within walking distance to many commercial, institutional, cultural and recreational amenities reducing the need for automobile transportation. In addition, the project is conveniently located to local and major bus lines, as well as the Pershing Square Metro Station, in express conformity with the Transportation Element's policies and objectives.

Housing Element

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The project is consistent with the following objectives, policies and programs:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy, sanitary and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.1: Provide an adequate supply of rental and ownership housing for households in order to meet current and projected levels.

Policy 1.1.4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

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

Policy 2.2.3: Promote and facilitate a jobs/housing balance at a citywide level.

The project requests a Zone Change to [Q] Condition Number 11 to permit a 9-foot in height portion of the ground floor retail space, in lieu of the required 15-foot height. This will enable the project to provide for visitor-serving and neighborhood-oriented retail to enhance existing and future residents' quality of life. The creation of 450 new condominium units will also provide the opportunity for ownership in Downtown, a neighborhood that is already jobs-rich. Furthermore, permitting the variation in height also helps the City to accommodate growth in Downtown and at the same time locate growth in close proximity to a transit rich area. The project will provide high-density housing along and near several transportation lines. These lines include the Red, Purple, Blue and Expo Rail Lines, several major Metro Transit Authority Lines, and DOT Dash Lines. These transportation lines allow for access to employment centers in all parts of the metropolitan area and help reduce the number of vehicles on the road.

- C. *Community Plan Text. The Central City Community Plan provides an official guide to the development of the Community, proposing locations for various types of land use. The Central City Community Plan was adopted January 8, 2003. Following are the land use goals, objectives, and policies that are relevant to the revision of the [Q] Condition Number 11 regarding floor-to-ceiling height:*

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

Objective 2-4: To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism.

10-2.5 Encourage the transformation of Broadway Downtown to include the adaptive reuse of historic buildings for arts, cultural, entertainment, restaurant and retail uses as well as infrastructure improvements such as sidewalk rebuilding and streetscape and landscape improvements in conjunction with major public transit expenditures.

The proposed project will include a total of 6,904 square feet of commercial/retail space on the ground floor. The retail space will benefit the residents of the building, residents of adjacent buildings, as well as the employees that work nearby and visitors to Downtown. The proposed commercial space also provides employment opportunities for area residents and creates a linkage between jobs and housing. Revising the [Q] condition to allow for a 9 foot floor-to-ceiling height in lieu of the required 15-foot height for approximately 580 square feet of the retail space (and a total of 5,500 square feet of the entire ground floor) will enable to the project to provide for visitor-serving and neighborhood-oriented retail to enhance existing and future residents' quality of life. The reduction in height will not negatively impact the retail space as the area with the reduced height is small and toward the rear of the retail space. The majority of retail square footage will meet the 15-foot height requirement.

The Plan recognizes that, “*The continued economic and social viability of Central City depends on the contributions of a stable population and vibrant, cohesive neighborhoods. Therefore, a primary objective of the Central City Plan is to facilitate the expansion of housing choices in order to attract new, economically and ethnically diverse households (page III-1).*” This project clearly promotes new housing opportunities for Downtown Los Angeles by proposing the addition of 450 new dwelling units to the Historic Core’s housing stock. Furthermore, the new residential units in the Historic Core will not remove existing residential units or displace residents, but would instead revitalize an underutilized low-rise commercial structure into a mixed-use tower that will contribute to the historic nature of the Broadway Theater and Commercial District. The Project will contribute to the City’s housing stock and will be comprised of a mix of unit sizes within the Project as follows:

	Unit Count
Studio	122 <u>116</u>
One Bedroom	226 <u>232</u>
One Bedroom + Den	30
Two Bedroom	72
Total Units	450

Downtown Design Guide

The Downtown Design Guide was adopted by City Council on April 24, 2009 as a General Plan Amendment to the Central City Community Plan to revise Chapter V of the Central City Community Plan text to incorporate the Downtown Design Guide, Urban Design Standards and Guidelines. The Downtown Design Guide supplements Municipal Code provisions and applies to all projects within its boundaries of the Hollywood Freeway (Interstate 101) on the north, the Santa Monica Freeway (Interstate 10) on the south, Harbor Freeway (Interstate 110) on the west and Alameda Street and San Pedro Street on the east. The Downtown Design Guide contains standards and guidelines for sustainable design, sidewalks and setbacks, ground floor treatment, parking and access, massing and street wall, on-site open space, architectural detail, streetscape improvements and signage prepared at a finer grain specifically for the Downtown Neighborhood Districts. As conditioned and discussed in the Site Plan Review findings, the project substantially complies with the requirements of the Downtown Design Guide.

Zone Change Findings

- D. *Zone Change Findings. Pursuant to Section 12.32 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.*

The Project proposes a 34-story residential tower on a 34,253 square-foot corner site with frontage along South Broadway and West 4th Street. The tower would be built upon a 12-story podium. Parking is contained in two subterranean and six above-grade levels. Above-grade parking would be screened by active uses on the ground floor and the fifth and sixth floors. The remaining three above-grade levels would be architecturally screened. Commercial/retail spaces will line the ground floor along Broadway and 4th

Street. The Project would contain a total of 433,260 square feet of development, resulting in a Floor Area Ratio (FAR) of 12.65:1. The Applicant is requesting a Transfer of Floor Area Rights (TFAR) of more than 50,000 square feet from the Los Angeles Convention Center (Donor Site) to the Project Site (Receiver Site), pursuant to Ordinance No. 181,574 and Section 14.5.6 B. of the Los Angeles Municipal Code (LAMC).

The Applicant is requesting a Zone Change to modify [Q] Qualified Condition Number 11 of Ordinance 180,871. The Ordinance, which became effective on October 26, 2009, established the Broadway Theater and Entertainment District Design Guide (Community Design Overlay District or CDO) and contains [Q] Qualified Conditions which regulate use and design of development. [Q] Condition Number 11 requires the minimum floor-to-ceiling height of the ground floor of any new building be 15 feet. The Applicant is requesting a Zone Change to deviate from this requirement for approximately 580 square feet of the southernmost retail space (and a total of 5,500 square feet of the entire ground floor).

The intent of [Q] Condition Number 11 was to ensure that ground level retail space was designed with ceiling heights that create inviting, comfortable, and highly visible spaces for residents and visitors to patronize. The intent of [Q] Condition Number 11 is also to ensure that new development is compatible with existing, historic development patterns. In accordance with the Broadway Theater and Entertainment District CDO, the project is providing ground level retail at a linear depth of at least 25 feet for a total of 6,904 square feet. The overwhelming majority of the 6,904 square feet will be built at a floor-to-ceiling height of 20 feet. However, due to the configuration of ramps for the parking levels above, approximately 10 linear feet at the rear of the retail space will have a height of less than 15 feet, for a total of 580 square feet of retail space (and a total of 5,500 square feet of the entire ground floor) with a height of 9 feet. This height reduction is necessary in order to accommodate the project which will revitalize a currently underutilized site, and will further the public necessity and convenience by making the property available for retail and multi-family housing uses. The height reduction will activate the property and reduce the potential for blighted conditions and vandalism. As such, the modification of [Q] Condition Number 11 is in conformity with public necessity, convenience and general welfare.

All other [Q] Conditions contained in Ordinance 180,871 will be retained to protect the best interests of and to assure a development that is compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of any future project that may be proposed for the site.

The proposed Zone Change to modify Ordinance No. 180,871 for the subject site is also in conformity with good zoning practice. The recommended Zone Change preserves and strengthens an existing, viable mixed-use area – the Broadway Theater and Entertainment District – with the introduction of a new, compatible mixed-use project. The majority of the new ground floor retail space will exceed the prescribed 15-foot height. This will ensure inviting, comfortable, and highly visible retail areas that are compatible with existing historic development. Only 580 square feet of the rear of the retail space (and a total of 5,500 square feet of the entire ground floor) will be constructed at a height of 9 feet as a result of the configuration of ramps for the parking levels above. This will not have a negative impact in the success of the project or its compatibility with the adjacent Historic District.

Furthermore, the recommended Zone Change enhances the viability of the Historic Core neighborhood by allowing for the development of a new mixed-use project that is compatible with the adjacent Broadway Theater and Entertainment Historic District. It will revitalize an underutilized, one-story commercial structure with a new, 34-story tower. The recommended Zone Change is consistent with the Regional Center Land Use Designation, the Broadway CDO, and the Downtown Design Guide.

The requested Zone change to modify [Q] Condition of Ordinance 180,871 is therefore compatible with the existing development of the community, consistent with the Central Community Plan and is consistent with public necessity, convenience, general welfare and good zoning practice. The action, as recommended, has been made contingent upon compliance with the "Q" Conditions imposed herein.

2. **Transfer of Floor Area Rights** – Pursuant to Sections 14.5.6, and 14.5.8 through 14.5.12 of the Municipal Code, the Applicant requests a Transfer of Floor Area Rights from the Los Angeles Convention Center Site at 1201 S. Figueroa Street, a City-owned property, to the subject property at 400-422 South Broadway and 218-230 West 4th Street for an amount not to exceed 227,742 square feet, resulting in an increase in the maximum floor area ratio otherwise permitted, from 6:1 to 12.65:1.

Project Site Lot Area (SF)	Existing		Requested		Transfer
	Floor Area Ratio	Floor Area (SF)	Floor Area Ratio	Floor Area (SF)	Max Floor Area Rights Transferred (SF)
34.253*	6:1	205,518	12.65	433,260	227,742
*Lot Area represents the existing lot area and does not include a vacation request the Applicant has submitted for approximately 3,276 square feet of over-dedicated land along the Broadway and 4 th Street frontages of the project site. As conditioned, if the vacation request is granted, the amount of floor area transferred may decrease accordingly.					

- A. *The increase in Floor Area generated by the proposed Transfer is appropriate with respect to location and access to public transit and other modes of transportation, compatible with other existing and proposed developments and the City's supporting infrastructure, or otherwise determined to be appropriate for the long-term development of the Central City.*

The Receiver Site is bounded by 4th Street to the north, Frank Court to the east, an existing 10-story residential building to the south, and Broadway to the west. The Project Site is located within the Central City Community Plan Area, and the increase in Floor Area generated by the proposed Transfer is appropriate and well-suited with respect to location and access to public transit and other modes of transportation. The Project site is approximately 0.2 miles from the Pershing Square Metro Station, which is served by the Metro Red and Purple Lines. From this station, the Metro Red Line provides access to Hollywood and the San Fernando Valley, with connecting service to the Metro Orange Line (serving the west Valley and Chatsworth). The Metro Purple Line also serves Koreatown, with future service to West Los Angeles. The Metro Red Line and Purple Line serve Downtown including Los Angeles Union Station, with connecting service to the Metro Gold Line (serving Pasadena and East Los Angeles), the Metro Blue Line (serving Long Beach with connections to the Metro Green Line), the Metro Expo Line

(serving Culver City with future service to Santa Monica), Amtrak passenger rail, Metrolink commuter rail, and bus service for regional and local lines.

Metro operates many local and limited stop routes within reasonable walking distance (one-quarter mile) of the Project Site. Metro bus lines 2/302, 4, 30/330, 40, 45, and 84/68 have a stop at 4th Street and Broadway and Metro bus lines 92, 33, 83, and 733 have a stop at Spring Street and 4th Street. Given the proximity of the Project site to the Pershing Square subway station and other transit options, strong transit use is anticipated by residents, guests, visitors and employees of the site.

The Transfer is appropriate at this location since high density mixed-use developments are encouraged in areas that provide a variety of transit options. The Project's convenient location would encourage the use of transit by residents and their guests, employees and visitors. This would reduce the number of single occupancy vehicle trips created by the increase in development intensity due to the transfer of floor area.

The proposed project constitutes an infill development that makes more intensive use of a site which is already well-served by existing infrastructure, including access to robust transportation alternatives. Regional access to the Project Site is provided by the Pasadena/Harbor Freeway (I-110/SR 110), located approximately one half mile to the west; the Hollywood Freeway (US - 101), located approximately 0.7 miles to the north; and the Santa Monica Freeway (I-10) located approximately 1.2 miles to the south. These three freeways also provide access to the Golden State/Santa Ana Freeway (I-5) to the north, and the San Bernardino Freeway (I-10) and Pomona Freeway (SR-60) to the east and southeast, respectively. Local access to the Project Site is provided by Broadway, 4th Street and Frank Court. The Project will ensure compatibility with other development in the surrounding neighborhood by providing all parking within the building, removing an existing driveway along Broadway and along 4th Street and limiting vehicle access to the secondary street and the alley.

The increase in Floor Area generated by the proposed Transfer will result in a project that is compatible with other existing and proposed developments and the City's supporting infrastructure. The Receiver Site is located in the Historic Downtown District, surrounded by a mix of low- to mid-rise buildings, and with high-rise buildings located just two blocks west in Bunker Hill. Immediately surrounding the Project site are one- and two-story commercial buildings, a surface parking lot and 13-story office building, a 10-story residential building, and a 10-story office building. However, the Receiver Site is in proximity to high-rise buildings in nearby Bunker Hill and the adjacent underutilized commercial buildings and surface parking lot also have land use designations of Regional Center Commercial and could be developed with similar high-rises.

The proposed Receiver Site is centrally located near frequent transit services, would be compatible with densely developed surroundings, and would be in close proximity to jobs, housing, and a wide range of uses and public services. The intensity and mix of the proposed residential and commercial uses are compatible with the current density and mix of uses in the area, and will contribute to the establishment of a 24-hour community in downtown Los Angeles. The Transfer is appropriate for the long-term development of the Central City because it will enable the Project to include 433,260 square feet of residential and commercial uses in the Historic Downtown District, contributing to the revitalization and modernization of Downtown Los Angeles including job creation and increased City tax revenue generation, maintaining the strong image of downtown as the major center of the metropolitan region, and serving as a linkage and catalyst for other downtown development.

B. The Project is consistent with the purposes and objectives of the Redevelopment Plan.

The project is located in the City Center Redevelopment Project Area, established in May 2002 by the Community Redevelopment Agency of Los Angeles (CRA/LA), which is now a Designated Local Authority. The City Center Redevelopment Plan has the primary objective of eliminating and preventing blight in the Redevelopment Project Area. The project is consistent with the objectives (Section 105) of the City Center Redevelopment Plan as follows:

Objective 1: To eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the Project Area in accordance with this Plan.

The Receiver Site would remove a one-story commercial strip with rooftop parking and construct 450 residential units and 6,904 square feet of retail/commercial space. The existing commercial space provides limited transparency, has missing storefronts and solid security doors, and contains a visual clutter of signage. Further, the Project would eliminate two curb cuts and provide landscape improvements along Broadway and 4th Street. Altogether, these improvements would help to eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the Project Area in accordance with the Redevelopment Plan.

Objective 2: To further the development of Downtown as the major center of the Los Angeles metropolitan region, within the context of the Los Angeles General Plan as envisioned by the General Plan Framework, Concept Plan, City-wide Plan portions, the Central City Community Plan, and the Downtown Strategic Plan.

The Project would provide a mixed-use development of high density in Downtown close to urban transit and many employment opportunities, furthering the development of Downtown as the major center of the Los Angeles metropolitan region.

Objective 3: To create an environment that will prepare, and allow, the Central City to accept that share of regional growth and development which is appropriate, and which is economically and functionally attracted to it.

The Project provides density appropriate to reinforce the Central City as the center of the Los Angeles metropolitan region. The employment and residential dwelling unit opportunities support a fair share of regional growth and development.

Objective 4: To promote the development and rehabilitation of economic enterprises including retail, commercial, service, sports and entertainment, manufacturing, industrial and hospitality uses that are intended to provide employment and improve the Project Area's tax base.

The Project furthers the development and rehabilitation of economic enterprises in Downtown. It will provide retail and commercial opportunities. The new residents will shop, eat, entertain and work at local business establishments and will enhance employment opportunities and the area's tax base.

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

The Project site consists of a one-story commercial strip with rooftop parking that would be replaced with a vibrant mixed-use development that will activate the streetscape and provide new residents to shop, eat and work at various neighborhood establishments.

Objective 6: To create a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing.

The Project Site would provide 450 residential units and 6,904 square feet of new commercial uses and would further a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses in close proximity to existing transit, entertainment and commercial uses.

Objective 7: To create a symbol of pride and identity which gives the Central City a strong image as the major center of the Los Angeles region.

The Project provides density appropriate for the Central City and helps to reinforce Downtown as the major center of the Los Angeles region.

Objective 8: To facilitate the development of an integrated transportation system which will allow for the efficient movement of people and goods into, through and out of the Central City.

The Project is within approximately 0.2 miles of the Metro Red and Purple Lines, and in close proximity to a significant number of bus lines. The Project's proximity to mass transit, as well as easy freeway and major highway access helps to facilitate and encourage the development of an integrated transportation system which will allow for the efficient movement of people and goods into, through and out of the Central City.

Objective 9: To achieve excellence in design, based on how the Central City is to be used by people, giving emphasis to parks, green spaces, streetscapes, street trees, and places designed for walking and sitting, and to develop an open space infrastructure that will aid in the creation of a cohesive social fabric.

The Project proposes wide sidewalks with street trees, as well as usable open space in the highly developed urban environment of Downtown Los Angeles. The Project provides private and common open space and will implement the Broadway Streetscape Plan along the project's Broadway frontage. Altogether, these improvements will aid in the creation of a cohesive social fabric.

Objective 11: To preserve key landmarks which highlight the history and unique character of the City, blending old and new in an aesthetic realization of change or growth with distinction, and facilitating the adaptive reuse of structures of architectural, historic or cultural merit.

There are no key landmarks nor any structures on-site of architectural, historic or cultural merit that could be adaptively reused. The Project is however within the Broadway Theater and Entertainment Historic District and is adjacent to the Judson Rives Building, a Historic Cultural Monument. The Project includes a podium height that continues the street wall of the adjacent buildings with corresponding cornice lines and will utilize architectural details and materials to maintain compatibility with the nearby historic resources while providing new, modern architecture. The project will introduce a tower element, but will set the tower back from the property lines and will incorporate compatible materials in order to achieve growth in the historic district while blending old and new.

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

In addition to temporary construction opportunities for skilled trades, the Project Site would provide 6,904 square feet of new commercial that would provide job opportunities for the local community.

Objective 13: To provide high and medium density housing close to employment and available to all ethnic, social and economic groups, and to make an appropriate share of the City's low- and moderate-income housing available to residents of the area.

Without any public subsidy, the Project Site would provide 450 residential units close to employment and available to all ethnic, social and economic groups. As many of the units would be smaller in size than typical suburban type of developments, and a range of studio to two bedroom units will be offered, the Project would provide housing opportunities for a wide and diverse array of income groups. The Project would also design units in a way that in the future units could be combined to create larger units.

Objective 14: To provide the public and social services and facilities necessary to address the needs of the various social, medical and economic problems of Central City residents and to minimize the overconcentration or exclusive concentration of such services within the Project Area.

The Project is supportive of the City, County and State addressing the needs of the various social, medical and economic problems of Central City residents. To this end, the Project will directly provide as part of the public benefit payment to certain recipients in the local community of the Central City area. Furthermore, the increase in property and sales taxes will benefit the local and greater community such that additional funds would be available to address the needs of the local community.

Objective 15: To establish an atmosphere of cooperation among residents, workers, developers, business, special interest groups and public agencies in the implementation of this Plan.

The Project has been reviewed by the Downtown Los Angeles Neighborhood Council (DLANC). DLANC submitted a letter of support for the Project that was dated April 8, 2014, with a recommendation that the applicant line all levels of above grade parking with active uses, if at all possible. Through the environmental and entitlement review process, the Project proponents have worked to further an atmosphere of cooperation among various interest groups in the Downtown area, and while the applicant has not been able to add residential units to the parking on levels 2 through 4 of the project, the applicant has addressed staff concerns regarding potential historic impacts and has redesigned the project to remove projecting balconies and to reduce the footprint and massing of the tower.

C. The Transfer serves the public interest by complying with the requirements of Section 14.5.9 of this Code.

As part of the Transfer Plan, a Public Benefit Payment is required and must serve a public purpose, such as: providing for affordable housing; public open space; historic preservation; recreational; cultural; community and public facilities; job training and outreach programs; affordable child care; streetscape improvements; public arts programs; homeless services programs; or public transportation improvements. The Transfer serves the public interest by facilitating a project that will contribute to the

sustained economic vitality of the Central City, and by contributing a total Public Benefit Payment of \$4,499,034 (based on a formula that includes the Transfer of 227,742 square feet) and a TFAR Transfer Payment of \$1,138,710 (based on the Transfer of 227,742 square feet from the Convention Center multiplied by \$5.00), in accordance with the TFAR Ordinance No. 181,574. The Public Benefit Payment consists of a 50 percent cash payment of \$2,249,517 to the Public Benefit Payment Trust Fund, and 50 percent public benefits that are directly provided.

Public Benefit Payment	
50% Public Benefit Cash Payment	\$2,249,517
50% Public Benefit Direct Provision	\$2,249,517
Public Benefit Payment Total	\$4,499,034

The Applicant has proposed to directly provide public benefits by providing monies to proposed recipients, the City of Los Angeles Bureau of Engineering, Los Angeles Streetcar, Inc (LASI), and Community Partners in the amounts shown below, which totals 50 percent or \$2,249,517 of the Public Benefit Payment.

Direct Provision of Public Benefits		
Recipient	Percentage	Total
City of LA Bureau of Engineering – Broadway Streetscape Master Plan	60%	\$1,349,710
Los Angeles Streetcar, Inc	34%	\$764,836
Community Partners (care of Friends of Spring Street Park) – Spring Street Park	6%	\$134,971
Direct Provision Total	100%	\$2,249,517

City of Los Angeles Bureau of Engineering

Broadway Streetscape Master Plan

The Applicant has proposed to directly provide public benefits in the amount of \$1,349,710 to the City of Los Angeles Bureau of Engineering for the engineering, design and construction of the Broadway Streetscape Master Plan, which covers an area along Broadway between First and Eleventh Streets. The funds would be in addition to the required construction of the Broadway Streetscape improvements along the Broadway frontage of the Project.

Los Angeles Streetcar, Inc

The Applicant has proposed to directly provide public benefits in the amount of \$764,836 to the Los Angeles Streetcar, Inc (LASI). The funds would be utilized for the engineering and design of the Downtown LA Streetcar project.

Community Partners (care of Friends of Spring Street Park)*Spring Street Park*

The Applicant has proposed to directly provide public benefits in the amount of \$134,971 to Community Partners (care of Friends of Spring Street Park) for annual maintenance of the Spring Street Park.

- D. *The Transfer is in conformance with the Community Plan and any other relevant policy documents previously adopted by the Commission or the City Council.*

The Project Site (Receiver Site) is located within the Central City Community Plan and has a Regional Center Commercial land use designation. The Central City Community Plan describes the Transfer of Floor Area Ratio (TFAR) as follows (page III-19):

“The transfer of floor area between and among sites is an important tool for Downtown to direct growth to areas that can best accommodate increased density and from sites that contain special uses worth preserving or encouraging.”

The Transfer is in conformance with the Community Plan and other relevant policy documents in that the Community Plan provides for transfers of floor area up to 13:1 floor area ratio on parcels in Height District 4D and that the Transfer allows for the Project to advance a number of specific objectives and policies contained in the Community Plan, including:

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

The TFAR would facilitate development of a mix of uses, including market-rate housing, and is centrally located in a transit-rich area, which would allow residents to easily access their residences and connect them to their jobs Downtown or throughout the City.

Objective 2-1: To improve Central City’s competitiveness as a location for offices, business, retail and industry.

Policy 2-1.2: To maintain a safe, clean, attractive and lively environment.

Objective 2-2: To retain the existing retail base in Central City.

Policy 2-2.1: Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses.

Policy 2-2.3: Support the growth of neighborhoods with small, local retail services.

The proposed Transfer would increase the redevelopment potential of the Receiver Site by facilitating a dense mixed-use development that reinforces and enhances the existing Historic Downtown District, which currently accommodates a broad range of uses and job opportunities and attractions. The Project would include 6,904 square feet of retail/commercial space on the ground floor that would provide job opportunities. Additionally, the new retail/commercial space would enhance the existing retail base in the area and support the needs of office workers, residents, and visitors. Furthermore, the retail/commercial space would attract visitors who would contribute to the existing and proposed retail base and would be able to easily access the nearby tourist and convention sites through the use of existing robust public transportation infrastructure. The ground-level commercial uses and pedestrian-oriented design will activate the street frontages and contribute to lively environment.

Objective 2-4: To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism.

Policy 2-4.1: Promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity.

As stated previously, the proposed Transfer will help support an active, 24-hour community downtown by enabling the Project to provide a dense mix of complementary uses that serve workers, residents, and visitors around the clock. The Receiver Site is well situated to accommodate increased density due to its transit-oriented location and surrounding built-up context. The Project utilizes the Transfer of Floor Area provision of the Municipal Code to achieve a floor area ratio of 12.65:1, which would take an underutilized site that contains a one-story commercial strip with rooftop parking and convert it into a mixed-use development that serves a variety of goals and objectives in the Central City.

Objective 11-1: To keep downtown as the focal point of the regional mobility system accommodating internal access and mobility needs as well.

Objective 11-3: To provide an internal circulation system with a focus of connecting specific pairs of activity centers to a system that provides greater geographic coverage of Downtown, thus giving the Downtown traveler more choices and more flexibility.

Objective 11-4: To take advantage of the district's easy access to two mass transit rail lines, the freeway system, and major boulevards that connect Downtown to the region.

Internal Circulation System Policy: Increase pedestrian orientation in the district.

Objective 11-6: To accommodate pedestrian open space and usage in Central City. (Page IV-8)

Policy 11-6.1: Preserve and enhance Central City's primary pedestrian-oriented streets and sidewalks and create a framework for the provision of additional pedestrian friendly streets and sidewalks which complement the unique qualities and character of the communities in Central City.

Urban Design Objective: To develop a street hierarchy to serve transit, traffic, pedestrian, open space, and truck access needs in a coordinated manner.

Urban Design Objective: To provide an extensive, well-formed and well-maintained pedestrian network.

As highlighted above, the Transfer would result in a Project that includes enhanced streetscape improvements for the benefit of Downtown residents, workers, and visitors. The Project would enhance the pedestrian environment by providing 10- and 17-foot sidewalks, landscaping and street trees along street frontages and will implement the Broadway Streetscape Plan along the Broadway frontage of the project. The proposed building arrangement emphasizes a street wall with facades designed to promote pedestrian interest along primary street frontages and pedestrian sidewalks. The ground floor retail/commercial space would also contribute to lively, pedestrian-oriented streets. The Project is also ideally located for pedestrian access given its proximity to the Pershing Square Metro subway station and its location at the crossroads of numerous major transit routes.

The Community Plan also incorporates the urban design criteria described in the Downtown Design Guide. Pages 6-7 of the Design Guide outline “Design Principles for Creating a Livable Downtown,” including the following:

“Employment Opportunities. Maintain and enhance the concentration of jobs, in both the public and private sectors, that provides the foundation of a sustainable Downtown.”

“Housing Choices. Provide a range of housing types and price level that offer a full range of choices, including home ownership, and bring people of diverse ages, ethnicities, household sizes and incomes into daily interaction.”

“Transportation Choices. Enable people to move around easily on foot, by bicycle, transit, and auto. Accommodate cars but fewer than in the suburbs and allow people to live easily without one.”

“Recognize individual projects are the ‘building blocks’ of great streets and neighborhoods. This requires particular attention to the way the building meets the sidewalk, providing a transition to pedestrian scale and elements that activate the street.”

“Respect historically significant districts and buildings, including massing and scale, and neighborhood context, while at the same time, encouraging innovative architectural design that expresses the identity of contemporary Los Angeles.”

“Accommodate vehicular access and parking in a way that respects pedestrians and public spaces and contributes to the quality of the neighborhood.”

“Express an underlying design philosophy (a ‘big idea’) that is articulated and supported by all aspects of building design and initially conveyed through design sketches, drawings, and specifications.”

“Sustainability is the overarching goal of the Design Guide and essential to the concept of a livable Downtown.”

The proposed Project is planned so as to fulfill each of these important design principles, by: providing employment opportunities within the ground floor commercial/retail space and existing office space; providing housing choices that will serve a diverse population

of downtown residents; utilizing proper site design that orients the building to create a pedestrian friendly environment along adjacent sidewalks while at the same time minimizing vehicle and pedestrian conflicts by removing driveways from Broadway and 4th Street and limiting vehicular access to the alley and one driveway on 4th Street, and by locating high-density residential development in a transit-rich area. Additionally, the Project respects the historic context of the neighborhood by providing a podium that continues the existing street wall with cornice lines that correspond to the adjacent building. The tower element will be setback from all frontages in order to minimize visual impacts from the pedestrian level and to maintain the historic street wall.

3. **Variance** – Pursuant to Section 12.27 of the Municipal Code, the Applicant requests a Variance from Section 12.21 A.5(a)(1) to reduce the parking stall width for 88 residential standard parking spaces from the code-required 8'-6" to 8'-4"; and a Variance from Section 12.21 A.5(b) to reduce the drive aisle width for the ground floor, floors B1, B2, 2, 3, 4, 5 and 6 from the code-required 28'-0" to 26'-8". However, the project has since undergone design revisions which have allowed the Applicant to fully comply with parking requirements. Therefore, the request for Variances from parking stall width and drive aisle width are **denied as not necessary**.
4. **Variance** – Pursuant to Section 12.27 of the Municipal Code, the Applicant requests a Variance from Section 12.21 G.2 to permit a reduction in the amount of required trees to be provided on site (84 trees in lieu of the required 113 trees). However, the project has since undergone design revisions which have allowed the Applicant to fully comply with LAMC Section 12.21 G.2 and provide all 113 trees on site. Therefore, the Variance for a reduction in the number of trees provided on site is **denied as not necessary**.
5. **Director's Decision** – Pursuant to Los Angeles Municipal Code Section 12.21 G.3, the Applicant has requested a Director's Determination to allow a 4.3 percent reduction to the required open space of 48,975 square feet for a total amount of open space of 46,887 square feet. However, the project has since undergone design revisions which reduced the open space requirement to 47,550 square feet and increased the area available for open space, allowing the Applicant to comply with the total amount of open space required in LAMC Section 12.21 G.3. Therefore, the Director's Decision for a 4.3 percent reduction in open space is **denied as not necessary**.
6. **Director's Decision** – Pursuant to Los Angeles Municipal Code Section 12.21 G.3, a Director's Decision to allow a 10 percent increase in the qualifying area of recreation rooms for a maximum of 35 percent, or 16,643 square feet.
 - A. *The open space provided conforms with the objectives of the Open Space requirements for six or more dwelling units.*

The Project proposes a 450 residential units and 6,904 square feet of commercial/retail space in a 34-story tower. The building will consist of a 12-story podium with a tower above. The podium would contain parking in six levels, with residential units screening the parking on floors 5 and 6, and commercial spaces lining the ground floor. The Project would contain a total of 433,260 square feet of development, resulting in an FAR of 12.65:1.

The LAMC Section 12.21 G requires that residential developments in excess of six units provide 100 square feet of open space for units with less than three habitable rooms, 125 square feet of open space for units with three habitable rooms and 175 square feet of open space for units with more than three habitable rooms generating the need to provide 47,550 square feet of open space for the project.

The proposed project is located within the Greater Downtown Housing Incentive Area (Ordinance 179,076), which encourages residential development within the downtown area through the use of modified LAMC Sections for density, yards, buildable area, open space, and a floor area bonus system for projects that voluntarily provide a prescribed percentage of units for affordable housing. These modified standards are suitable for dense urban areas like the Central City Community Plan area, while at the same time providing incentives to produce new housing. Pursuant to the Greater Downtown Housing Incentive Area (Ordinance 179,076) and LAMC Section 12.22 C.3(d), the proposed project will utilize the open space incentive that there shall be no prescribed percentage of the required open space that must be provided as either common open space or private open space.

Common open space provided shall still comply with the requirements 12.21 G.2(a), which require that common open space be open to the sky, except up to 25 percent of the total open may be provided as indoor recreation rooms of at least 600 square feet in area. The project is able to provide the total amount of required open space, however a Director's Decision is approved for a 10 percent increase in the qualifying area of recreation rooms, to allow a total of 35 percent of the total required open space to be provided as recreation rooms. Therefore, the project as conditioned would provide a total of 47,500 square feet of open space with 16,643 square feet provided as recreation rooms. The LAMC requires that a minimum of 25 percent of the common open space area shall be planted with ground cover, shrubs or trees. As conditioned, the project will landscape at least 25 percent of the common open space area and satisfies the LAMC required minimum of 25 percent landscaped area for common open space.

The project will provide private open space on balconies and common open space in outdoor decks on the 7th, 13th, and 34th levels which would include fire pits, barbeques, lounge areas, a pool table, a spa, cabanas, a bar, a bocci ball court, and an exercise area. Additional common open space will be provided on the 9th, 11th, 12th, and 13th floors as recreational rooms to be used as community rooms, libraries, studio space, etc.

The project is required to provide one 24-inch box tree on-site or in the parkway for every four dwelling units, which amounts to a minimum of 113 trees. The project requested a variance to reduce the number of trees on site; however design revisions have allowed the project to accommodate all trees on site.

It is the Director's Decision that the project conforms to the objectives of the open space requirements of the Municipal Code, Section 12.21 G.2 to provide the residents of the subject development with opportunities for outdoor living and recreation related amenities on-site.

B. The proposed project complies with the total usable open space requirements.

As conditioned, the project will provide a total usable open space amount of at least 47,550 square feet as required by LAMC Section 21.12 G.2, with 35 percent, or 16,643 square feet, of open space provided in indoor recreation rooms. The purpose of the open space requirement is to improve the aesthetic quality of multiple residential dwelling units by providing relief of the massing of the building through the use of landscape materials and reduced lot coverage. The project will provide outdoor common open space at the 7th, 13th and 34th levels and indoor recreation space at the 9th, 11th, 12th and 13th levels. Outdoor amenity space for allow for sweeping views of Downtown, particularly from the roof deck on the 34th floor and will include both passive and active areas. Indoor amenities would allow for community rooms, library space, studio space,

fitness space, etc. As conditioned, 35 percent of the total open space will be provided as indoor amenities while the remaining common open space will be open to the sky and meet the size and dimensional requirements per the LAMC.

It is the Director's Decision that the project conforms to the intent and purpose of the open space requirements of the Municipal Code, Section 12.21 G to provide the residents of the subject development with the opportunities for outdoor living and recreation related amenities on the site.

- 7. Community Design Overlay Plan Approval** – Pursuant to Los Angeles Municipal Code Section 13.08, the Applicant requests a Community Design Overlay Plan Approval for a project in the Broadway CDO.
- A. *The project substantially complies with the adopted Community Design Overlay Guidelines and Standards.*

As stated below, the project substantially complies with the CDO.

1. Respecting the Historic Context

GUIDELINE 1: Pursue creative and innovative contemporary designs for new buildings that will complement Broadway's designated National Register Historic District.

The proposed mixed-use building meets the standards under Guideline 1 which require new construction to be pedestrian oriented and compatible with the existing mixed-use development along Broadway, while also being differentiated from the existing, historic buildings. The project is located within the vicinity of the Broadway Theater and Commercial District, a National Register Historic District, which is characterized by buildings with a common setback abutting the sidewalk, tripartite facades with ground level storefronts, and common building materials such as glazed terra cotta and cast stone with the most prevalent architectural style being Beaux Arts. The proposed building is compatible with existing development along Broadway, while also being differentiated enough to appear new. The podium of the proposed Project will consist of a tri-partite composition typically found in classical mid-rise and skyscraper construction. The building's base at the ground level would be vertically divided into three bays and will feature a granite bulkhead, full-height storefront windows, transom windows, awnings, and light grey terra cotta. The mid-section of the podium will utilize a medium grey terra cotta and will be articulated with windows with aluminum mullions. The capital section of the podium will utilize a dark grey terra cotta and a pronounced cornice. The proposed project will continue the cornice line and will reference the stringcourse that separates the eighth and ninth floors of the adjacent Judson Rives Building. The project will also include white metal spandrel panels that are reminiscent of belt coursing at historic-era buildings. As conditioned, the Project will not include projecting balconies on the podium and balconies on the tower would only project minimally. The removal of projecting balconies will increase compatibility with nearby historic resources, which rarely included balconies. The podium will closely match the height and form of adjacent historic resources, while the tower will introduce a contemporary element. The tower will be set back from the property lines so as to not impact the line of the historic street wall. Both the podium and the tower will utilize materials that have the same texture and visual quality as nearby historic resources, while still being differentiated.

2. Building Orientation and Frontage

GUIDELINE 2: Site buildings to promote pedestrian activity along the public right-of-way by placing business entrances on the street. Developments should not face inward but

rather should be oriented towards the street to reinforce the existing character of the Broadway Corridor.

Guideline 2 requires that buildings be built to the front property lines and oriented to the street with parking located either at the rear of the building or underground and that the ground floor maintain a minimum floor-to-ceiling height of 15-feet. The Project is oriented towards Broadway and 4th Street and all parking is fully contained within the building. The building contains a prominent lobby on Broadway and commercial/retail space along the remaining Broadway and 4th Street frontages. Each commercial/retail space is oriented towards the street with individual entries along Broadway and 4th Street. All but 580 square feet of the 6,904 square feet of ground floor retail maintains a floor-to-ceiling height of 20 feet. The reduced height is located at the rear of the southernmost retail space along Broadway. The retail will maintain a 25 foot depth, however due to the configuration of ramps for the parking levels above, approximately 10 feet at the rear of the retail space will have a height of less than 15 feet. The Applicant has requested a Zone Change, discussed above, to modify [Q] Qualified Condition Number 11 of Ordinance 180,871, which also requires a minimum floor-to-ceiling height of 15 feet on the ground floor. The majority of the retail space meets this Guideline and the retail space with a reduced height would still maintain the full height along the Broadway frontage and the reduced height portion in the rear could contain back-of-house uses.

3. Setbacks

GUIDELINE 3: Encourage an inviting pedestrian environment and provide for streetwall continuity by locating new buildings at the property line or the prevailing setback, as applicable. Where permitted, additional setback areas should encourage active public uses through additional street trees, outdoor seating areas, kiosks, forecourts and arcades.

The project meets the standards under Guideline 3 by locating the building at the property line, which is consistent with the prevailing streetwall. The building will be built to all property lines. The podium will have a height of 136 feet, which is consistent with nearby buildings.

4. Open Space

GUIDELINE 4: Encourage publicly accessible, urban open spaces as part of a project site design to invite and encourage pedestrian activity. Create inviting spaces, provide shade, screen unattractive areas, and enhance architectural detailing through the thoughtful and careful placement of landscaping. Paseos and arcades should accommodate pedestrian traffic and offer opportunities for amenities such as outdoor dining, sitting areas, and landscaping. The arcade presents the opportunity for pedestrian-oriented retail.

The Project has less than 300 feet of Broadway street frontage so it is not required to provide a paseo, however the Project will fulfill Standard 4e by providing rooftop open space on the 7th level, at the top of the podium on the 13th level and near the top of the tower on the 34th level. The rooftop decks are integrated into the architecture of the building and contain both passive and active open spaces.

6. Building Scale and Massing

GUIDELINE 6: Building and massing of new buildings should complement the existing urban form and the prevailing height of existing buildings while considering light, shadows, views, etc.

The proposed Project consists of two distinct elements: a 12-story podium and a 22-story tower above, for a total height of 34 stories, or 388 feet. The podium is built to the property lines and maintains the existing street wall while also closely matching neighboring buildings in height. The tower element is setback from the property lines so as not to impact the historic street wall, which typically ranges from 100 to 150 feet in this area. As proposed, the Project would be built to the southern property line, adjacent to the Judson Rives residential building, a Historic Cultural Monument. The massing of the podium of the Project is consistent with the urban form of the Broadway Historic District and will complement nearby buildings. The tower introduces a contemporary element to the District and as conditioned will not exceed 36.2 percentage lot coverage and will be setback 42'-4" from the Broadway frontage, 47'-3" from the 4th Street frontage, and 45'-8" from the southern property line in order to reduce the visual impact of the tower, particularly from the pedestrian level.

7. Building Articulation

GUIDELINE 7: Heighten visual interest and enhance pedestrian orientation by incorporating variation in the facades of buildings. These elements and variations may include: architectural features; changes in building materials, texture and color; generously sized, transparent display windows; arcades, canopies and awnings; cornices, and other details such as transom windows and overdoors. New developments should be governed by a formal architectural concept, like the existing historic structures, that exhibits variation in the basic principles of visual order to clarify buildings' uses and differentiate ground floor uses.

The Project fulfills the Standards under Guideline 7 by providing façade fenestration and articulation similar to those typical of the area. The podium is divided into three parts with different materials and colors proposed for the base, middle and top. The ground floor maintains more than 70 percent transparency and includes large display windows which will utilize clear, non-reflective glass as conditioned. The ground floor is broken up into individual storefronts with traditional bulkheads and transoms and awnings to define entrances. At the Broadway elevation the building base would be vertically divided into three bays in order to emulate the appearance of three separate, but adjacent buildings and effectively break up the continuous 240-foot façade length. The central bay would project out from the wall plane to extend approximately 5 feet over the sidewalk, beginning at a height of approximately 42'-6" above sidewalk grade. The cornice would also be of greater height at this central bay to further articulate the façade and break up the wall plane.

8. Entry Treatments

GUIDELINE 8: Each building should have a prominent main building entrance that allows pedestrians access to a main lobby from Broadway and any perpendicular side street to an active pedestrian environment.

The Project has a prominent entryway to the main lobby on Broadway, which will be differentiated from adjacent storefronts with a projecting canopy and architectural details located above the canopy.

9. Storefronts

GUIDELINE 9: Encourage window-shopping and an active pedestrian environment by providing a significant level of storefront transparency at the ground floor on building facades along public streets. Storefronts should allow maximum visibility from sidewalk areas into the interior of all commercial uses. Storefront entrances should be designed so that they are a predominant architectural feature on the building façade and create an inviting entrance.

The ground floor of the Project includes large windows and doors which occupy greater than 70-percent of the ground floor façade. As conditioned and shown in Exhibit A, the ground floor storefronts will utilize clear, non-reflective glass, and incorporate bulkheads and recessed windows, thus complying with the Standards of Guideline 9.

10. Windows

GUIDELINE 10: All structures should have as many windows as possible on the ground floor when facing a street or pedestrian walkway. There should be little or no blank wall area, except to separate buildings or retail/office spaces. This increases safety by allowing businesses to have 'eyes on the street' and passerby to see interior building activities. Windows should incorporate passive solar and other green building standards to the extent feasible to reduce energy consumption.

As conditioned, the Project will use clear, non-reflective glass on the ground floor. As evident in Exhibit A, the ground floor façade will have greater than 70 percent transparency, thus complying with the Standards of Guideline 10.

11. Facades, Exterior Surface Materials & Color

GUIDELINE 11: The texture of building facades should be complementary to other buildings in the surrounding area. Large expanses of the same building material detract from the building's aesthetics. The use of varied and complementary building materials reduces the mass of a building and creates visual interest.

As shown in Exhibit A, the Project will utilize terra cotta, cementitious panels, and metal panels, which are complementary to the surrounding architectural character and style. The Project will utilize projections, fenestrations and changes in materials and colors to break up the façade and reduce the mass of the building.

12. Lighting

GUIDELINE 12: Lighting should be incorporated into the design not only to accentuate architectural features, but also to provide a safe environment for pedestrian activity. All open areas, including parking lots, walkways, and trash areas, should have security lighting for safety.

As conditioned and shown in Exhibit A, storefronts, entryways, and pedestrian areas will be illuminated with down-cast lighting and architectural features shall be illuminated with accent up-lights to the greatest extent possible, thus complying with the Standards of Guideline 12.

13. Awnings and Canopies

GUIDELINE 13: Where appropriate, use awnings or canopies to define the public realm of the sidewalk, provide shelter and shade, and enhance the building façade by adding variation, color, and horizontal rhythm. Awnings and canopies reinforce a pedestrian scale and add a comfortable sense of enclosure to outdoor seating and other active public uses.

As evident in Exhibit A, the Project will include individual awnings along the ground floor façade at each storefront entrance. As conditioned and shown in Exhibit A, awnings will be made of canvas and will not project more than 7 feet from the property line and the underside of the awning will be eight feet above the ground, thus complying with the Standards of Guideline 13.

14. Security Grilles

GUIDELINE 14: buildings should be designed with security features that effectively deter criminal activity while maintaining a positive image about the community. When used, security grilles should be screened from view during business hours and should be integrated into the design of the building.

As conditioned, all security grilles will be transparent and the mechanical housing will be screened.

15. Utilities, Mechanical Equipment, Trash Containers & Loading

GUIDELINE 15: Utilities, storage areas, loading docks, mechanical equipment and other service areas should be screened from the adjacent public right-of-way. Equipment can be screened from public view through the use of building parapets, landscaping walls and other similar architectural treatments. Plywood and wood lattice screens should be avoided.

Service areas and trash containers will be located entirely within the building and will be accessed from 4th Street and the alley. As conditioned, no mechanical equipment will project beyond any windows facing Broadway and all rooftop and other mechanical equipment will be screened from view on Broadway.

18. Parking and Parking Structure Design

GUIDELINE 1: Parking lots and structures should fit within the urban fabric; massing, scale and façade articulation should respond to the surroundings and provide a degree of three-dimensional interest. The overall design should promote pedestrian safety by minimizing conflict with vehicles. Parking should encourage a balance between a pedestrian-oriented Broadway and necessary car storage. Protect nearby residents from potential adverse impacts – noise, visual, or otherwise – of parking and parking structures.

All parking related to the Project will be provided entirely within the building. Parking will be provided on two subterranean levels, the ground floor, and five additional above-grade levels. Three of the above-grade levels will be screened with active uses along the Broadway and 4th Street frontages and the remaining three levels will be architecturally screened. There will be no driveway access from Broadway and access will be provided from 4th Street and Frank Court (alley).

19. Vehicular Access

GUIDELINE 2: Minimize conflicts between pedestrians on the sidewalk and automotive traffic by providing vehicular access to parking areas along side streets or alleys wherever possible.

The proposed Project will not have any curb cuts on Broadway and all vehicle access will be provided from 4th Street and Frank Court (alley).

- B. The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and the vicinity.*

As conditioned by this approval, the project is in substantial conformance with the design guidelines and standards (see above). The project is conditioned to comply with the CDO requirements and will be compatible with the mixed-use, pedestrian oriented development along Broadway. The project is located within the vicinity of the Broadway Theater and Commercial District, a National Register Historic District, which is

characterized by buildings with a common setback abutting the sidewalk, tripartite facades with ground level storefronts, and common building materials such as glazed terra cotta and cast stone with the most prevalent architectural style being Beaux Arts. The project, as conditioned, will provide a compatible massing and articulation and will incorporate simplified elements of Beaux Arts architecture while utilizing materials similar in texture and visual quality.

The project introduces commercial space and a residential lobby, all with large windows, where there is currently a one story commercial strip with incompatible elements such as missing storefronts, solid security doors, cluttered signage, and excess driveways. The project will introduce a tower to the Historic District; however the podium will continue the existing street wall and will be built to a height that is compatible with neighboring buildings. The tower will be set back from the edge of the podium in order to reduce the visual impact and maintain the historic street wall. The project will utilize materials architectural elements that are compatible with nearby historic resources.

The proposed project is harmonious in form and design with existing resources and will activate an underutilized site in an otherwise active, vibrant area of Broadway.

- 8. Site Plan Review** — Pursuant to Section 16.05 the Municipal Code, a Site Plan Review is required for a project that creates, or results in an increase of 50 or more dwelling units. The proposed project will create a maximum 433,260 square feet of development on a 34,253 square-foot site including 450 residential units and 6,904 square feet of retail/commercial uses.
- A. *That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.*

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The Project Site is located entirely within the boundaries of the Central City Community Plan. The Project Site has a land use designation of Regional Center Commercial. The proposed mixed-use development with multi-family residential and commercial uses is consistent with the properties' land use designations and the underlying zoning. The proposed Project will be in substantial conformance with the purposes, intent, and provisions of the General Plan and all of its elements.

The Framework Element

The Framework Element for the General Plan (Framework Element) was adopted by the Los Angeles City Council on December 11, 1996 and re-adopted on August 8, 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the Project site. The Framework Element of the General Plan establishes general policies for the City of Los Angeles based on projected population growth. Land use, housing, urban form and neighborhood design, open space, economic development, transportation, infrastructure, and public services are all addressed in the context of accommodating future City-wide population increases. The City's various land use "categories" are defined based on appropriate corresponding development standards including density, height, and use.

The Framework Element defines the Downtown Center, which is bounded by Cesar Chavez Avenue to the north; Alameda Street to the east; Santa Monica (10) Freeway to the south; and the Harbor (110) Freeway to the west, as “an international center for finance and trade that serves the population of the five-county metropolitan region.” It is the largest government center in the region and the location for major cultural and entertainment facilities, hotels, high-rise residential towers, regional transportation facilities, and the Convention Center. These uses serve the region, state, nation, and global needs. Generally, the Downtown Center is characterized by Floor Area Ratios (FARs) up to 13:1 and high-rise buildings.

The proposed development is consistent with the following goals, objectives and policies of the Framework Element for Multi-Family Residential:

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

Objective 3.7: Provide for stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The proposed development is consistent with the following Framework Element Downtown Center goals, objectives and policies:

Goal 3G: A Downtown Center as the primary economic, governmental, and social focal point of the region with an enhanced residential community.

Objective 3.11: Provide for the continuation and expansion of government, business, cultural, entertainment, visitor serving, housing, industries, transportation, supporting uses and similar functions at a scale and intensity that distinguishes and uniquely defines the Downtown Center.

Policy 3.11.1: Encourage the development of land uses and implement urban design improvements guided by the Downtown Strategic Plan.

Objective 3.15: Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.

Policy 3.15.3: Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy 3.1.6.

The Project site is currently underutilized and improved with a one-story commercial strip with rooftop parking. The Applicant proposes to revitalize the site with a mixed-use residential and commercial building that will provide ground floor commercial/retail uses and residential units contained in a 34-story tower. The Project site is at an optimal location for high-density development as it is located in a transit-rich area of Downtown. The Project is located less than two blocks from the Pershing Square Metro Station, which is served by the Metro Red and Purple Lines, with connections to the Gold, Blue and Expo lines. The Metro Red Line provides access to Hollywood and the San Fernando Valley, with connecting service to the Metro Orange Line (serving the west

Valley and Chatsworth). The Metro Purple Line provides access to Koreatown and both lines serve Downtown including Los Angeles Union Station, with connecting service to the Metro Gold Line (serving Pasadena and East Los Angeles), Amtrak passenger rail, Metrolink commuter rail, and bus service for regional and local lines. The Metro Blue Line provides access from downtown Los Angeles to downtown Long Beach, as well as connecting service to the Metro Green Line (serving Norwalk, Redondo Beach, and LAX via shuttle) and the Expo Line provides access from downtown Los Angeles to the City of Culver City with an extension to the City of Santa Monica currently under construction.

Metro operates many local and limited stop routes within reasonable walking distance (one-quarter mile) of the Project Site. Metro bus lines 2/302, 4, 30/330, 40, 45, and 84/68 have a stop at 4th Street and Broadway and Metro bus lines 92, 33, 83, and 733 have a stop at Spring Street and 4th Street. Given the proximity of the Project site to the Pershing Square subway station and other transit options, strong transit use is anticipated by residents, guests, visitors and employees of the site. The project takes advantage of the location by offering a mixed-use project with 450 residential units and ground floor commercial uses.

The location of the Project near major transit services epitomizes the Framework Element's vision of integrating Downtown Center density with public transportation infrastructure and would encourage the use of transit by on-site residents and their guests, retail patrons, and employees. This development scale is compatible with the Framework Element that envisions that the "*Downtown Center would continue to accommodate the highest development densities in the City and function as the principal transportation hub for the region.*" By enabling the construction of a high-density housing project in close proximity to jobs, services, entertainment uses and a transit rich area, the Transfer of Floor Area and Site Plan Review would be consistent with several goals and policies of the Framework Element.

Land Use Element – Central City Community Plan

The Central City Community Plan was updated and adopted by the Los Angeles City Council on January 8, 2003. The Project, as a mixed-use transit-oriented development, advances a number of specific goals and objectives contain in the Central City Community Plan. These include:

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

The Plan recognizes that, "*The continued economic and social viability of Central City depends on the contributions of a stable population and vibrant, cohesive neighborhoods. Therefore, a primary objective of the Central City Plan is to facilitate the expansion of housing choices in order to attract new, economically and ethnically diverse households (page III-1).*" This project clearly promotes new housing opportunities for Downtown Los Angeles by proposing the addition of 450 dwelling units to the housing stock of Historic Downtown. Furthermore, the new residential units will not remove existing residential units or displace residents, but would instead revitalize underutilized commercial space. The Project will contribute to the City's housing stock and will be comprised of a mix of unit sizes within the Project as follows:

	Unit Count
Studio	116
One Bedroom	232
One Bedroom + Den	30
Two Bedroom	72
Total Units	450

The proposed 6,904 square-foot commercial/retail space located at ground level will meet the needs of the residents, be compatible with the residential units and activate Broadway and 4th Street. The commercial/retail space is ancillary to the residential units, but is a vital component of the Project that will help tie into the lively urban environment of Downtown.

Objective 2-4: To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism.

The proposed project will include a total of 6,904 square feet of commercial/retail space on the ground floor. The retail space will benefit the residents of the building, residents of adjacent buildings, as well as the employees that work nearby and visitors to Downtown. The proposed commercial space also provides employment opportunities for area residents and creates a linkage between jobs and housing.

Downtown Design Guide

The Downtown Design Guide was adopted by City Council on April 24, 2009 as a General Plan Amendment to the Central City Community Plan to revise Chapter V of the Central City Community Plan text to incorporate the Downtown Design Guide, Urban Design Standards and Guidelines. The Downtown Design Guide supplements Municipal Code provisions and applies to all projects within its boundaries of the Hollywood Freeway (Interstate 101) on the north, the Santa Monica Freeway (Interstate 10) on the south, Harbor Freeway (Interstate 110) on the west and Alameda Street and San Pedro Street on the east. The Downtown Design Guide contains standards and guidelines for sustainable design, sidewalks and setbacks, ground floor treatment, parking and access, massing and street wall, on-site open space, architectural detail, streetscape improvements and signage prepared at a finer grain specifically for the Downtown Neighborhood Districts.

As conditioned, the project complies with the requirements of the Downtown Design Guide, with the exception of the required retail height for a portion of the Broadway frontage and the tower spacing. The Project Site is subject to both the Broadway CDO (and corresponding Ordinance 180,871) and the Downtown Design Guide. The Broadway CDO supersedes the Downtown Design Guide; however the Project would have to comply with the Downtown Design Guide on any regulations where the CDO is silent. The Downtown Design Guide states in Section 4.A.7 that required retail space along retail streets shall be designed to a minimum depth of 25 feet and shall include an average floor-to-ceiling height of 14 feet. Both Broadway and 4th Street along the project frontages are designated as retail streets, however the Broadway CDO and Ordinance 180,871 require that the ground floor of any new building have a minimum floor-to-ceiling

height of 15 feet, thereby superseding the Downtown Design Guide requirement. The Applicant has requested a Zone Change to modify Ordinance 180,871 to allow approximately 580 square feet at the rear of a retail space along Broadway (and a total of 5,500 square feet of the entire ground floor) to have a floor-to-ceiling height of less than 15 feet, which is discussed in more detail in the Zone Change findings below.

Additionally, the Downtown Design Guide has requirements for tower spacing in Section 6.C that are intended to preserve privacy, light and air between towers. The Guidelines contain requirements for proposed towers to be offset from interior lot lines and the centerline of an alley when there are no existing neighboring towers. However, the Broadway CDO and Ordinance 180,871 contain different requirements for tower setbacks in order to maintain the historic street wall. The Project is complying with [Q] Qualified Condition Number 6.c of Ordinance 180,871 that requires portions of buildings above 150 feet to be stepped back from the front and side property lines a minimum of 30 feet. As the Broadway CDO supersedes the Downtown Design Guide when there are conflicting requirements, the Project will comply with the requirements of the CDO and Ordinance 180,871, and need not meet the Downtown Design Guide requirement that the tower be setback a minimum of 40 feet from the alley centerline.

Downtown Street Standards

On April 24, 2009, the City Council adopted a General Plan Amendment (Case No. CPC-2008-4502-GPA) to the Central City Community Plan to: (a) re-designate selected streets from Major and Secondary Highways to Modified Major and Modified Secondary Highways; (b) revise Chapter V of the Central City Community Plan text to incorporate Downtown Design Guide, Urban Design Standards and Guidelines; and (c) concurrently amend the Transportation Element to revise the Urban Design Chapter and amend the Street Designations for a subarea generally bounded by the 101 Freeway on the north, the 110 Freeway on the west, the 10 Freeway on the south, and San Pedro and Alameda Streets on the east. In addition, the City Council approved the recommendation to continue efforts of the Ad Hoc Downtown Street Standards Committee (DSSC). The DSSC includes representatives from City Planning, Bureau of Engineering, Department of Transportation, Community Redevelopment Agency, and Council Districts 9 and 14, and was formed to evaluate the Downtown street system block-by-block and to develop revised street standards that balance traffic flow with other important street functions including transit routes and stops, pedestrian environments, bicycle routes, building design and site access.

On June 7, 2013, the City Planning Commission adopted a resolution approving the Broadway Streetscape Plan which provides guidelines for future public improvements along Broadway between 2nd Street and Olympic Boulevard. The Plan calls for a physical reconfiguration of Broadway that gives higher priority to pedestrians in the form of wider sidewalks, as well as curb extensions that allow for new parking/loading zones to buffer sidewalk areas and that result in shorter crossing distances for pedestrians.

The modified street standards require the following cross sections:

- Broadway is Modified Secondary Highway, which requires a 28-foot half-width roadway within a 45-foot half-width right-of-way.
- 4th Street is a Modified Secondary Highway, which requires a 20-foot half-width roadway within a 30-foot half-width right-of-way.

The Project complies with the above cross sections.

Transportation Element

The City's Transportation Element was adopted by City Council on September 8, 1999. The Transportation Element of the General Plan guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods. The Transportation Element recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit. The project is consistent with the following objectives, policies and programs:

Objective 3: Support development in regional center, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.

Policy 3.12: Promote the enhancement of transit access to neighborhood districts, community and regional centers, and mixed-use boulevards.

Policy 3.13: Enhance pedestrian circulation in ... appropriate locations in regional centers and along mixed use boulevards; promote direct pedestrian linkages between transit portals/platforms and adjacent commercial development through facilities orientation and design.

The project proposes a pedestrian-oriented environment by locating high-density residential with ground floor retail uses in close proximity to public transportation and the jobs rich environment of Downtown. Residents who live in the proposed project are within walking distance to many commercial, institutional, cultural and recreational amenities reducing the need for automobile transportation. In addition, the project is conveniently located to local and major bus lines, as well as the Pershing Square Metro Station, in express conformity with the Transportation Element's policies and objectives.

Housing Element

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The project is consistent with the following objectives, policies and programs:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy, sanitary and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.1: Provide an adequate supply of rental and ownership housing for households in order to meet current and projected levels.

Policy 1.1.4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

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

Policy 2.2.3: Promote and facilitate a jobs/housing balance at a citywide level.

The project requests a Transfer of Floor Area from the Convention Center to the Project Site for 227,742 square feet to allow 433,260 square feet in lieu of the allowable floor area of 205,518 square feet. Permitting the transfer of floor area allows the applicant to develop more residential units, thereby increasing the housing stock in the Historic

Downtown District. The creation of 450 new condominium units will also provide the opportunity for ownership in Downtown, a neighborhood that is already jobs-rich. Furthermore, permitting the increase in floor area also helps the City to accommodate growth in Downtown and at the same time locate growth in close proximity to a transit rich area. The project will provide high-density housing along and near several transportation lines. These lines include the Red, Purple, Blue and Expo Rail Lines, several major Metro Transit Authority Lines, and DOT Dash Lines. These transportation lines allow for access to employment centers in all parts of the metropolitan area and help reduce the number of vehicles on the road.

- B. The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collections, and other such pertinent improvements, which is or will be compatible with existing and future development on neighboring properties.*

Development of the Project Site into a mixed-use residential and commercial building comprised of 6,904 square feet of commercial/retail space and 450 dwelling units would be consistent and compatible with existing and future development on neighboring and other properties within close proximity. The Project Site is located in the Historic Downtown neighborhood and is within the Broadway Theater and Entertainment District and is adjacent to the Spring Street Financial District, both National Register Historic Districts. The proposed project has a total height of 388 feet, or 34 stories with a 12-story, or 136-foot tall, podium that would be built to the property line. The project is surrounded by the shell of a two-story commercial building to the north, a surface parking lot and a 13-story office building to the east, a 10-story office building to the west and the Judson Rives Building, a 10-story residential building and Historic Cultural Monument, immediately to the south of the project site.

Building Arrangement (height, bulk and setbacks)

The proposed Project is built to the property line along both the Broadway and 4th Street frontages, thus satisfying the setback requirements of both the Broadway CDO and the Downtown Design Guide, which require retail uses in the Historic District be built to the property line. The Project will be providing commercial/retail and residential lobby space on the ground floor along Broadway and commercial/retail space on the ground floor along 4th Street.

While the proposed Project is significantly taller than adjacent buildings, it is designed so that the podium portion maintains the streetwall and the tower is set back from the street. The tower portion of the proposed Project, stories 13 through 34, would be set back from the edge of the podium by more than 40 feet along Broadway and the side property lines, which would greatly reduce the visual impact of a tower from the pedestrian level. The Broadway CDO and Ordinance 180,871, which became effective on October 26, 2009, removed a previous [Q] condition that limited height in this area to 150 feet. It was determined that the historic fabric along Broadway south of 4th Street consisted primarily of buildings built to the property line with a height ranging from 100 to 150 feet. In order to mitigate the potential impacts of allowing buildings to exceed 150 feet in height, Ordinance 180,871 requires that all portions of buildings above 150 feet (south of 4th Street) be stepped back from the front and side property lines by at least 30 feet. Additionally, this area of Downtown allows a Transfer of Floor Area Rights in order to allow buildings to develop beyond the Floor Area Ratios otherwise prescribed.

As conditioned, the Project proposes a tower that is appropriate to Downtown and the site's Regional Center land use designation, while still maintaining compatibility with the

Historic District and surrounding buildings. The podium height closely matches that of the Judson Rives Building, a Historic Cultural Monument, located adjacent to the project at 424 South Broadway. The proposed project will also continue the cornice line and will reference the stringcourse that separates the eighth and ninth floors of the Judson Rives Building. The applicant has removed all projecting balconies from the podium and has removed the majority of the balconies on the tower, which serves to improve compatibility of the podium with nearby buildings and to reduce the mass of the tower element.

The Project proposes an attractive design that references the Beaux Arts style of nearby buildings. The podium of the proposed Project will consist of a tri-partite composition typically found in classical mid-rise and skyscraper construction (base, shaft, capital). At the Broadway elevation the building base would be vertically divided into three bays in order to emulate the appearance of three separate, but adjacent buildings and effectively break up the continuous 240-foot façade length. The central bay would project out from the wall plan to extend approximately 5 feet over the sidewalk, beginning at a height of approximately 42'-6" above sidewalk grade. The cornice would also be of greater height at this central bay to further articulate the façade and break up the wall plane. Exterior materials and finishes, as well as fenestration, would further reinforce the classical division of the building. The base of the building at the ground floor will feature a granite bulkhead, full-height storefront windows, awnings, solid and perforated metal panels to screen parking, clear glass, black window mullions and transom panels, terra cotta walls, and white metal spandrel panels that are somewhat reminiscent of belt coursing at historic-era buildings. As proposed, the Project would comply with building arrangement requirements.

Off-Street Parking Facilities and Loading Areas

The proposed Project will provide code required parking complying with the Parking and Access requirements of Section 5 of the Downtown Design Guide. Based on the Central City Parking Exception, the proposed project would be required to provide a total of 476 residential parking spaces with 348 spaces designated for 348 residential units with three habitable rooms or less and 128 spaces designated for 102 residential units with more than three habitable rooms. However, the Bicycle Parking Ordinance No. 182,386 allows the Applicant to replace up to 15% of the required residential automobile parking spaces with bicycle parking, as the project is within 1,500 feet of a fixed rail station, reducing the total number of required vehicle parking spaces to 404. As proposed the Project would provide 450 parking spaces. The applicant initially requested a Variance to reduce the minimum parking stall width and the minimum drive aisle width. However, the project has since undergone design revisions which have allowed the Applicant to fully comply with parking requirements. Therefore, the request for Variances from parking stall width and drive aisle width are denied as not necessary. As conditioned the Project could provide as few as 404 parking spaces, but shall not provide more than the proposed 450 parking spaces. The table below represents both maximum and minimum parking scenarios; the parking proposed by the Applicant and the parking that could be provided with the full bicycle parking reduction.

The commercial parking ratio for 6,904 square feet of new ground floor retail space will be based on the exception for the Downtown Business District, according to LAMC Section 12.21-A,4(i)3 which requires at least one parking space per 1,000 square feet for business, commercial or industrial buildings, having a gross floor area of 7,500 square feet or more. As the proposed commercial/retail space is less than 7,500 square feet, no commercial parking spaces will be required.

As conditioned, the Project will provide a maximum of 450 vehicle parking spaces and a minimum of 404 vehicle parking spaces within two subterranean and six above-grade levels for 450 residential units and 6,904 square feet of commercial/retail space:

Parking					
	Parking Per LAMC 12.21 A.4	Bicycle Parking Reduction (5.5%)	Maximum Parking (Proposed by Applicant)	Bicycle Parking Reduction (15%)	Minimum Parking Permitted per LAMC
Residential	476	(26)	450	(72)	404
Retail	0	(0)	0	(0)	0
Total	476	(26)	450	(72)	404

As conditioned the Project complies with Section 5.A.7 of the Downtown Design Guide which states that, "No more than the minimum required parking may be provided unless provided for adjacent buildings that lack adequate parking." The Project will utilize the bicycle parking reduction for the code required residential parking and is not required to provide commercial parking, therefore not exceeding the minimum required parking.

The Bicycle Parking Ordinance, which applies to projects citywide, became effective on March 13, 2013. It includes design standards and siting requirements as well requirements for short- and long-term bicycle parking. Pursuant to the requirements of LAMC 12.21 A.4, 12.21 A.4(c), 12.21 A.16 and 12.21.1 A.5 (the Bicycle Parking Ordinance 182,386), the project is required to provide a total of 503 bicycle parking spaces. The Downtown Design Guide includes a requirement of one bicycle parking space for every two residential units, which amounts to 225 bicycle parking spaces. For the residential portion of the project, the Bicycle Parking Ordinance requires 450 long term and 45 short term bicycle spaces. For the commercial portion of the project, the Bicycle Parking Ordinance requires 4 long term and 4 short term bicycle parking spaces. The Applicant is providing all of the code required bicycle parking spaces.

Vehicle and bicycle parking would be provided within two subterranean and six above-grade parking levels. Vehicular access would be provided via a two-way driveway on 4th Street and a separate entry and exit driveway off of Frank Court, the alley at the rear of the project. The Project will close an existing driveway on Broadway and on 4th Street and will limit driveways to the east-west street and the alley, thus complying with the Broadway CDO and the Downtown Design Guide. The Project will also provide residential and commercial loading spaces in the ground floor.

Lighting

The plans submitted do not show the location or type(s) of lighting for the project. As conditioned, the Project would provide exterior lighting in compliance with Section 12 of the Broadway CDO as well as Environmental Condition of Approval Number 45. As

conditioned, the project will not result in a substantial amount of light that would adversely affect the day or night time views in the project vicinity.

Landscaping

The LAMC requires 25 percent landscaping in common open space areas, and as conditioned the Project will provide this minimum in three outdoor decks, on the 7th, 13th, and 34th floors.

Additionally, the Project will incorporate new street trees in the sidewalk complying with the Downtown Design Guide Section 9.F. Street Trees, which requires street trees be planted in conjunction with each project and spaced not more than an average of 25 feet on center. The Applicant will also provide all 113 required trees on site. As conditioned, the Project will comply with landscaping requirements.

Trash Collection

The Project will provide a trash collection location within the building, which will be located on the ground level adjacent to retail and residential loading areas. Access to collect trash will be from the driveway on 4th Street or Frank Court.

Fences and/or Walls

The Project does not incorporate fences and/or walls.

- C. *Any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.*

The Project includes specific dedicated areas for residential, social and recreation functions. The Project will provide 47,550 square feet of open space, which will provide common outdoor and indoor space for the residents. The common open space will be provided on outdoor decks on the 7th, 13th and 34th levels and in indoor amenity areas on the 9th, 11th, 12th, and 13th levels. The outdoor open space areas will include a swimming pool and spa, fire pits and BBQs, lounge areas, and exercise areas. Additionally, Pershing Square is located in close proximity to the Project site and provides public space. Therefore, the open space and recreation rooms provided on-site and the nearby public park provide appropriate amenities and recreational facilities for the Project's residents and are expected to minimize impacts on neighboring properties.

ENVIRONMENTAL FINDING

Case No. ENV-2013-3187-MND was prepared and circulated for public review on November 13, 2014 and the circulation period ended on December 15, 2014. The project will incorporate all mitigation measures set forth in ENV-2013-3187-MND to ensure project impacts remain less than significant with respect to, aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, transportation/circulation, and utilities.

Pursuant to Section 15074.1 of the CEQA Guidelines, the Department of City Planning has concluded that the following mitigation measures identified in the Aesthetics and Cultural

Resource impact areas in the Mitigated Negative Declaration should be superceded to reflect amended project design features:

1-1 Aesthetics (Balconies)

- Balconies on the podium levels (floors 1 through 10) shall not project from the building façade.
- Balconies on the tower (floors 11 through 34) shall not project more than 12 inches from the building façade.

1-2 Aesthetics (Tower)

- The tower portion of the building (floors 11 through 34) shall cover no less than 30 percent of the total lot area and no more than 31.5 percent of the total lot area.
- Balconies shall be counted when determining lot coverage.

The following new measures are identified which will be equivalent in mitigation and in avoiding potential significant effects as the previous mitigation measures. These mitigation measures will reduce the significant impacts to the same degree as the original measures, yet will not create unintended consequences, and will create no more adverse effect of their own than would have the original measures:

39. Aesthetics (Balconies)

- a. Balconies on the podium levels (floors 1 through 12) shall not project from the building façade.
- b. Balconies on the tower (floors 13 through 34) shall not project more than 12 inches from the building façade and shall be in substantial conformance with Exhibit A.

40. Aesthetics (Tower)

- a. The tower portion of the building (floors 13 through 34) shall cover no more than 36.2 percent of the total lot area.
- b. Balconies shall be counted when determining lot coverage.
- c. The podium shall be 12 stories along the Broadway and 4th Street frontages and shall have a minimum height of 136 feet.

In accordance with Section 15074.1 of the CEQA Guidelines, the Substitute Mitigation Measures were presented at the public hearing held on January 15, 2015.

Subsequent to the end of the publication period of the MND, the applicant requested the revision of an entitlement. The original request was for an up to 10% reduction in the required usable open space, pursuant to a LAMC Section 12.21 G.3. The applicant revised the project to instead request an up to 10% increase in the qualifying area of recreation rooms up to a maximum of 35% pursuant to LAMC Section 12.21 G.3. The MND prepared for the project addresses all potential environmental impacts of the revised project and therefore no new impacts were identified as a result of the project revision. In addition, no additional mitigation measures are required. As this revised project represents the same project previously analyzed, recirculation of the previously issued MND is not required.

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND and the substitute mitigation measure included in this finding (and incorporated into the Conditions of Approval herein), there is no substantial evidence that the proposed project will

have a significant effect on the environment. The attached Mitigated Negative Declaration (Exhibit B) reflects the lead agency's independent judgment and analysis.

CONDITIONS OF APPROVAL

General Entitlement Conditions

20. **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.
21. **Use.** The Project Site shall be limited to a maximum of 450 dwelling units and 6,904 square feet of commercial/retail use on the ground floor.
22. **Ground Floor.** Individual tenant spaces must be built with a depth not less than 25 feet and a 20-foot floor-to-ceiling height except as provided for in the [Q] Condition # 11.
23. **Setbacks.** The tower portion of the building shall be set back a minimum of 42'-4" from the edge of the podium along the Broadway frontage and a minimum of 47'-3" from the edge of the podium along the 4th Street frontage.
24. **Height.** The building height shall not exceed 388 feet, which shall be measured according to the Los Angeles Municipal Code (LAMC). Any structures on the roof, such as air conditioning units and other equipment shall be fully screened from view of any abutting properties.
25. **Parking.** The project shall provide a minimum number of parking spaces as calculated by the LAMC, and a maximum number of 450 parking spaces. No parking spaces are required for the commercial use. A minimum of 20 percent of the provided parking spaces shall provide electric vehicle charging stations.
26. **Bicycle Parking.** The project shall provide bicycle parking spaces in compliance with LAMC Section 12.21 A.16.
27. **Broadway Streetscape.** The applicant shall provide infrastructure, landscaping, and lighting along the Broadway frontage of the project consistent with the Broadway Streetscape Plan.
28. **Alley Access.** Frank Court (alley) shall be kept open and free of gates at all times.
29. **Metro.** Metro Bus Operations Control Special Events Coordinator shall be contacted at 213-922-4632 regarding construction activities that may impact Metro bus lines.
30. **Broadway Community Design Overlay.** Plans shall be revised to reflect that the Project is consistent with the following:
 - a. The building shall provide an open and unlocked pedestrian entrance open to the public at the front of the building on Broadway during business hours.
 - b. The front entries of the building shall be in conformance with the illustrations provided in Exhibit A. Windows and exterior doors shall use clear, non-reflective glass. The front windows shall be recessed a minimum of three inches from the building plane. Ground floor glass and materials shall, to the greatest extent practicable, be graffiti-resistant.

- c. Awnings shall be constructed of canvas. The underside of awnings shall be at least eight feet from the sidewalk elevation and awnings shall not project more than seven feet beyond the property line.
- d. If included, all security grilles shall be transparent. The mechanical housing of exterior security grilles shall be appropriately screened. Final plans shall include details of security grilles, if proposed, and sections showing location and screening of mechanical housing.
- e. The exterior materials and colors shall match the illustrations and materials in Exhibit A.

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

- a. A minimum of 47,550 square feet of open space shall be provided. A maximum of 35 percent of the total open space, or 16,643 square feet, shall be provided in recreation rooms.
- b. In the event that the number of residential units is reduced, the minimum amount of open space shall be recalculated per LAMC requirements, however, the amount of recreation room space shall not exceed 35 percent of the revised total open space.
- c. A minimum of 113 trees shall be provided on site. Final plans shall be updated to include at least five additional on-site tree for a total of 113 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.
- d. A minimum of 6,264 square feet of landscaped common open space area shall be provided.

32. 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. Broadway has been re-designated to a Modified 2-Way Secondary Highway, which requires a 28-foot half-width roadway within a 45-foot half-width right-of-way and a 17-foot sidewalk.
- b. 4th Street has been re-designated to a Modified 1-Way Secondary Highway, which requires a 20-foot half-width roadway within a 30-foot half-width right-of-way, and a 10-foot sidewalk.

33. Signage. The approval of this application does not constitute approval of a signage plan. The applicant shall submit a detailed signage plan to the Department of City Planning for approval pursuant to the Broadway CDO District prior to the issuance of any signs for the project. No additional signs including, but not limited to, temporary banners or exterior merchandise displays shall be permitted on the street facing facades of the subject property unless otherwise permitted through subsequent approval. Final plans, pursuant to this action, shall not show signage.

34. Exterior and Storefront Lighting. The ground floor and other exterior lighting shall be detailed in the final plans. Any new exterior light fixtures shall be compatible with the architectural style of the building and shall receive approval from the Office of Historic Resources prior to final sign-off. The entryways shall be illuminated to distinguish the entrance, accent it and enhance pedestrian safety. The applicant shall illuminate the ground floor commercial space from within, both during and after business hours, to the greatest extent possible. The storefront and sidewalk shall provide down-cast or other lighting to illuminate both features to the greatest extent possible. The building's

architectural features shall be illuminated to the greatest extent possible, by accent up-lights directed on ledges, lights on entry arches, or other highlighting illumination for architectural details. Exterior lighting shall be low-voltage and shielded to prevent glare to adjacent properties, and shall not direct light off-site. Intense lighting that is used solely for advertising purposes or lighting that uses flashing, strobe, motion, or multi-color elements shall not be used.

- 35. Mechanical and Building Equipment.** No mechanical equipment, such as air conditioner units, window vents, fans, etc., shall project beyond any window facing Broadway. Any rooftop or other mechanical equipment such as HVAC, satellite dishes, exhaust fans, solar panels, etc., shall be screened from the view to the greatest extent possible. Any other equipment, such as rain gutters, spouts, electrical conduits, etc., shall also be screened to the greatest extent possible, painted to match building colors if necessary.

TFAR Conditions

- 36. Floor Area.** Development shall not exceed a 12.65:1 Floor Area Ratio (FAR) and a total floor area of 433,260 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 34,253 square feet at a 6:1 FAR. In the event the applicant's vacation request is approved, the base lot area shall not exceed 37,529 square feet and the amount of floor area transferred may be recalculated accordingly. Changes to the Project that result in a twenty percent decrease in floor area, or more, shall require new entitlements.
- 37. 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 \$1,138,710 for the transfer of 227,742 square feet from the Los Angeles Convention Center to the Project Site.
 - b. The total amount of floor area authorized to be transferred from the Los Angeles Convention Center by this action shall not exceed 227,742 square feet. The total floor area of the Project Site shall not exceed 433,260 square feet.
- 38. 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 \$4,499,034 provided that at least 50 percent (or \$2,249,517) 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 \$2,249,517) of the Public Benefit Payment by directly providing the following public benefits:
 - i. A payment to the City of Los Angeles Bureau of Engineering in the amount of \$1,349,710 (60%). The funds shall be utilized for the engineering, design and construction of the Broadway Streetscape Master Plan.
 - ii. A payment to the Los Angeles Streetcar, Inc. in the amount of \$764,836 (34%). The funds shall be utilized for engineering and design of the Downtown Los Angeles Streetcar.

- iii. A payment to Community Partners (care of Friends of Spring Street Park) in the amount of \$134,971 (6%). The funds shall be utilized for annual maintenance of the Spring Street Park.
- 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.

Environmental Conditions

39. Aesthetics (Balconies).

- a. Balconies on the podium levels (floors 1 through 12) shall not project from the building façade.
- b. Balconies on the tower (floors 13 through 34) shall not project more than 12 inches from the building façade and shall be in substantial conformance with Exhibit A.

40. Aesthetics (Tower).

- a. The tower portion of the building (floors 13 through 34) shall cover no more than 36.2 percent of the total lot area.
- b. Balconies shall be counted when determining lot coverage.
- c. The podium shall be 12 stories along the Broadway and 4th Street frontages and shall have a minimum height of 136 feet.

41. Aesthetics (Landscape Plan). All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec.12.40-D) and to the satisfaction of the decision maker.

42. Aesthetics (Signage).

- a. On-site signs shall be limited to the maximum allowable under the Municipal Code, the Broadway Community Design Overlay, and Ordinance 180,871.
- b. Multiple temporary signs in store windows and along building walls are not permitted.

43. Aesthetics (Vandalism).

- a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
- b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.

44. Aesthetics (Signage on Construction Barriers).

- a. The applicant shall affix or paint a plainly visible sign, on publicly accessible portions of the construction barriers, with the following language: "POST NO BILLS".
- b. Such language shall appear at intervals of no less than 25 feet along the length of the publicly accessible portions of the barrier.
- c. The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.

45. 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.

46. 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.

47. Air Quality. Water or a stabilizing agent shall be applied to exposed surfaces at least three times per day to prevent generation of dust plumes.

48. Architectural Coating. The project shall utilize only low- and non-VOC containing paints, sealants, adhesives, and solvents in the construction of the project. The average VOC content of the coating shall be 50 g/L for all interior surfaces and 75 g/L for all exterior surfaces.

49. 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.
- h. To reduce on-site construction related air quality emissions, the Project Applicant shall ensure all construction equipment meet or exceed Tier 4 off-road emission standards.

50. Air Pollution (Operational). The building shall not include fireplaces in any residential units or common areas.

51. 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.

52. 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:
SCCIC Department of Anthropology
McCarthy Hall 477 CSU Fullerton
800 North State College Boulevard
Fullerton, CA 92834
- e. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

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

- a. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology – USC, UCLA, California State Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.

- b. The paleontologist'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 paleontologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.
- e. Any fossils recovered during mitigation shall be deposited in an accredited and permanent scientific institution for the benefit of current and future generations.
- f. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

54. Cultural Resources (Human Remains). In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- a. Stop immediately and contact the County Coroner:
1104 N. Mission Road
Los Angeles, CA 90033
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
- b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
- c. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- d. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- e. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
- f. If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

55. Erosion/Grading/Short-Term Construction Impacts.

- a. The Applicant shall provide staked signage at the Site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- b. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
 - i. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
 - ii. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

56. Grading (20,000 Cubic Yards, or 60,000 Square Feet of Surface Area or Greater).

- a. A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
- b. "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- c. "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- d. Movement and removal of approved fencing shall not occur without prior approval by LADBS.

57. Geotechnical Report.

- a. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- b. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project and as it may be subsequently amended or modified.

58. Explosion/Release (Existing Toxic/Hazardous Construction Materials).

- a. (Asbestos) Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.

59. Stormwater Pollution (Demolition, Grading, and Construction Activities).

- a. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- b. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.
- d. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- e. Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

60. Construction Noise (Staging). Construction staging areas shall be as far from the adjacent multi-family residences at 424 South Broadway as possible.

- 61. Increased Noise Levels (Sound Barriers).** Temporary sound barriers, capable of achieving a sound attenuation of at least 9 dBA (e.g., construction sound wall or sound blankets) and blocking the line-of-sight between the adjacent sensitive receptors shall be installed on the southern boundary of the project site between the proposed project and the Judson Rives Building, located at 424 South Broadway. The barrier shall be tall enough to block the line of site from the top of the windows on the Judson Rives Building to any excavation activities facing the Judson Rives Building. The barrier shall have a Sound Transmission Class of 35 or more and include exterior grade acoustical blankets that provide sound absorption and further reduce the reflection of sound waves.
- 62. Increased Noise Levels (Demolition, Grading, and Construction Activities).**
- The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
 - Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
 - Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- 63. Increased Noise Levels (Parking Structure Ramps).** Environmental impacts may result from project implementation due to noise from cars using the parking ramp. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- Concrete, not metal, shall be used for construction of parking ramps.
 - The interior ramps shall be textured to prevent tire squeal at turning areas.
- 64. Increased Noise Levels (Mixed-Use Development).** Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.
- 65. Temporary Groundborne Vibration Impacts During Construction.**
- All new construction work shall be performed so as not to adversely affect the historic designation of the Judson Building located immediately adjacent to the site at 424 South Broadway. Preconstruction surveys shall be performed to document conditions of the adjacent historic structure. The structural monitoring program shall be implemented and recorded during construction.
 - The performance standards of the structure monitoring plan shall include the following:
 - Documentation shall consist of video and/or photographic documentation of accessible and visible areas on the exterior and select interior facades of the building. A registered civil engineer or certified engineering geologist shall develop recommendations for the adjacent structure monitoring program that will include, but not be limited to, vibration monitoring, elevation and lateral monitoring points, crack monitors and other instrumentation deemed necessary to protect the historic resources from construction-related damage.
 - The monitoring program shall survey for vertical and horizontal movement, as well as vibration thresholds. If the thresholds are met or exceeded, or noticeable structural damage becomes evident to the

project contractor, work shall stop in the area of the affected building until measures have been taken to stabilize the affected building to prevent construction related damage to historic resources.

- v. The structure monitoring program shall be submitted to the Department of City Planning, the Office of Historic Resources, and the Department of Building and Safety and received into the case file for the associated discretionary action permitting the project prior to initiating any construction activities.
- vi. The Applicant shall retain a qualified vibration consultant to take vibration monitoring measurements regularly in order to assess the actual impact of vibration on adjacent structures and to incorporate and adjust techniques as necessary to reduce impact.
- vii. The Applicant shall retain an experienced vibration engineer to plan for and monitor vibration impacts on the adjacent historic Judson building during site clearing, earthmoving and foundation construction, and structural construction, to the extent that the adjacent historic Judson building allows the Applicant to conduct monitoring within the building and to understand the baseline vibration impacts prior to site-clearing. The engineer shall insure the incorporation of maximum vibration mitigation into every phase of Project development.

66. Increased Groundborne Vibration (Demolition, Grading and Construction).

- a. Construction equipment shall utilize rubber tired equipment in place of steel-track equipment whenever feasible.
- b. The construction contractor shall stage and warm-up construction equipment as far from nearby sensitive receptors as possible.
- c. The construction contractor shall avoid utilizing high vibration construction equipment (e.g. large bulldozers) near surrounding sensitive receptors, to the maximum extent feasible.
- d. The construction contractor shall avoid using vibratory rollers and packers near sensitive areas.
- e. The construction contractor shall avoid impact pile-driving where possible. The construction contractor shall use drilled piles or the use of a sonic or vibratory pile driver where geological conditions permit their use.

67. Public Services (Fire). The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

68. Public Services (Police – Demolition/Construction Sites). Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

69. Public Services (Police). The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-

foot traffic areas, and provision of security guard patrol throughout the Project Site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design," published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

70. Transportation (Haul Route).

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- b. (*Non-Hillside*): Projects involving the import/export of 20,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.

71. Safety Hazards.

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- b. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

72. LADOT Project Requirements for Construction Impacts. A Construction Work Site Traffic Control Plan shall be submitted to the Department of Transportation for review and approval prior to the start of any construction work. The Plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. The Department of Transportation also recommends that all construction related traffic be restricted to off-peak hours.

73. Emergency Access. The Applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

74. Pedestrian Access During Construction. The applicant shall maintain a clear path of travel for pedestrians along the entire Project Site frontage throughout the duration of construction activities.

75. Utilities (Wastewater – Construction). As part of the normal construction/building permit process, the Project Applicant shall confirm with the City that the capacity of the local and trunk lines are sufficient to accommodate the Project's wastewater flows during the construction and operation phases. If the public sewer has insufficient capacity, then the Project Applicant shall be required to build sewer lines to a point in the sewer system with sufficient capacity.

76. Utilities (Wastewater). The Project Applicant shall implement any upgrade to the wastewater system serving the Project Site that is needed to meet municipal requirements.

77. Utilities (Local Water Supplies – Landscaping).

- a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and

overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).

- b. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - viii. Weather-based irrigation controller with rain shutoff
 - ix. Matched precipitation (flow) rates for sprinkler heads
 - x. Drip/microspray/subsurface irrigation where appropriate
 - xi. Minimum irrigation system distribution uniformity of 75 percent
 - xii. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - xiii. Use of landscape contouring to minimize precipitation runoff
- c. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

78. Utilities (Local Water Supplies – All New Construction).

- a. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- b. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

79. Utilities (Local Water Supplies – New Commercial or Industrial). All restroom faucets shall be of a self-closing design.

80. Utilities (Local Water Supplies – New Residential).

- a. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- b. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- c. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

81. Utilities (Solid Waste Recycling).

- a. (Operational) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the Project's regular solid waste disposal program.
- b. (Construction/Demolition) Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction related wastes.
- c. (Construction/Demolition) To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

82. Utilities (Solid Waste Disposal). All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

Administrative Conditions

- 83. Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
- 84. Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
- 85. Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
- 86. Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
- 87. Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed

necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

- 88. Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
- 89. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 90. Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the property owners in the County Recorder's Office. 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.
- 91. Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 92. Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

DETERMINATION LETTER
CPC-2014-326-ZC-TDR-ZV-
MSC-CDO-SPR
MAILING DATE: 03/13/15

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