



# DEPARTMENT OF CITY PLANNING

## APPEAL RECOMMENDATION REPORT

### City Planning Commission

**Date:** November 8, 2018

**Time:** After 8:30 a.m.

**Place:** Los Angeles City Hall  
Council Chambers, Room 340  
200 North Spring Street  
Los Angeles, CA 90012

**Public Hearing:** Yes

**Appeal Status:** Further Appealable to City Council

**Expiration Date:** November 9, 2018

**Case No.:** VTT-74760-1A

**CEQA No.:** ENV-2016-4711-MND

**Incidental Case:** CPC-2016-4710-TDR-  
MCUP-SPR

**Council No.:** 14 - Huizar

**Plan Area:** Central City

**Specific Plan:** None

**Certified NC:** Downtown Los Angeles

**GPLU:** High Density Residential  
**Zone:** [Q]R5-4D-O

**Applicant:** Onni Capital, LLC  
**Representative:** Matt Dzurec; Armbruster,  
Goldsmith & Delvac

**Appellant 1:** Charlie Carnow & Antonio  
Menoza; UNITE HERE Local  
11

**Appellant 2:** Laborer's International Union  
of North America, Local 300  
**Representative:** Douglas Chermak; Lozeau  
Drury, LLP

**PROJECT LOCATION:** 1000 South Hill Street (1000-1034 S. Hill Street, 220-226 W. Olympic Boulevard)

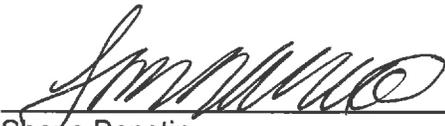
**PROPOSED PROJECT:** The demolition of an existing surface parking lot and the construction, use, and maintenance of a 60-story mixed-use building (760 feet in height) with 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail space. The Project includes 657,943 square feet of floor area on the 50,611 square-foot site, resulting in a Floor Area Ratio (FAR) of 13:1. The Project proposes a total of 1,075 vehicle parking spaces within seven subterranean levels and four above grade. A total of 708 long-term and 78 short-term bicycle parking spaces are proposed, along with approximately 86,976 square feet of open space and amenity areas for residents on the site. Seven street trees would be removed from the public right-of-way; 189 new trees are proposed.

**APPEAL ACTION:** Pursuant to Los Angeles Municipal Code (L.A.M.C.) Section 17.06, an appeal of the entire decision of the Advisory Agency's approval of Vesting Tentative Tract Map No. 74760 to permit the merger and resubdivision of seven lots into one lot for residential and commercial condominium purposes, for a maximum of 700 residential units and 15,000 square feet of commercial space.

**RECOMMENDED ACTIONS:**

1. **Find**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2016-4711-MND (“Mitigated Negative Declaration”), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **find** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **find** the mitigation measures have been made enforceable conditions on the project; and **adopt** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration.
2. **Deny** the appeals of the Advisory Agency’s approval of Vesting Tentative Tract Map No. 74760;
3. **Sustain** the decision of the Advisory Agency to approve Vesting Tentative Tract Map No. 74760;
4. **Adopt** the attached Conditions and Findings of the Advisory Agency; and
5. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

VINCENT P. BERTONI, AICP  
Advisory Agency




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Shana Bonstin  
Principal City Planner



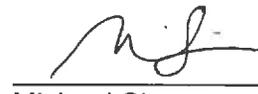

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Jane J. Choi, AICP  
Senior City Planner




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May Sirinopwongsagon  
City Planner




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Michael Sin  
City Planning Associate

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission’s meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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### **Exhibits:**

Exhibit A – Advisory Agency’s Decision Letter and Tract Map

Exhibit B – Appeal Application: UNITE HERE Local 11

Exhibit C – Appeal Application: Laborer’s International Union of North America, Local 300

Exhibit D – Mitigated Negative Declaration (MND)

Traffic Study Approval Letter

ENV-2016-4711-MND

Mitigation Monitoring Program

MND Comments and Applicant Response

## PROJECT ANALYSIS

### Project Summary

The Proposed Project includes the demolition of an existing surface parking lot and the construction, use, and maintenance of a 60-story mixed-use building (760 feet in height) with 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail space. The Project proposes a total of 1,075 vehicle parking spaces within seven subterranean levels and levels one through four above grade. A total of 708 long-term and 78 short-term bicycle parking spaces are proposed, along with approximately 86,976 square feet of open space and amenity areas for residents on the site. Seven street trees would be removed from the public right-of-way; 189 new trees are proposed.

On September 6, 2018, the Advisory Agency adopted ENV-2016-4711-MND and approved Vesting Tentative Tract Map No. 74760 for the merger and resubdivision of seven lots into one lot for residential and commercial condominium purposes for a maximum of 700 residential units and 15,000 square feet of commercial space as shown on map stamp dated December 15, 2017.

In conjunction with the requested subdivision, the Applicant has filed incidental Case No. CPC-2016-4710-TDR-MCUP-SPR. The entitlements listed below will be considered by the City Planning Commission under a separate action.

#### Case No. CPC-2016-4710-TDR-MCUP-SPR:

- 1) Pursuant to Los Angeles Municipal Code (LAMC) Section 14.5.6, approval of a Transfer of Floor Area Rights (TFAR) from the Los Angeles Convention Center (Donor Site) at 1201 South Figueroa Street for the approximate amount of 354,277 square feet to the Project Site (Receiver Site) permitting a maximum 13:1 FAR in lieu of the maximum permitted 6:1 FAR;
- 2) Pursuant to LAMC Section 12.24 W.1, a Master Conditional Use Permit to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption, in conjunction with up to four establishments; and
- 3) Pursuant to LAMC Section 16.05, a Site Plan Review for a project that results in 50 or more residential units.

### Background

The Project Site is comprised of seven contiguous parcels, consisting of approximately 50,611 square feet of lot area, and is bounded by Hill Street to the west, Olympic Boulevard to the north, and a public alley to the east within the Central City Community Plan area. The Community Plan designates the Project Site with a land use designation of High Density Residential, which lists the R5 Zone as the corresponding zone. The site is zoned [Q]R5-4D-O and is subject to the Qualified "Q" Conditions and Development "D" Limitations contained within Ordinance No. 164,307, subarea 2645. The "Q" Conditions contain limitations pertaining to the development of the site which include, but are not limited to, residential uses in the R5 Zone and commercial uses permitted in the C4 Zone. The "D" Limitation restricts the maximum floor area to not exceed six times the buildable area of the lot, except for those projects which are approved a transfer of floor area through procedures adopted by the City Council to regulate such transfers. There is a 20-foot building line, established by Ordinance No. 83,552, along the southern side of Olympic Boulevard.

The site is located within the Community Redevelopment Agency of Los Angeles (CRA/LA) City Center Redevelopment Project Area, Adaptive Reuse Incentive Area, Transit Priority Area, Los Angeles State Enterprise Zone, and the Greater Downtown Housing Incentive Area. The site is

located within proximity to three freeways: Pasadena/Harbor Freeway (I-110/SR 110), located approximately 0.6 miles to the west; the Hollywood Freeway (US - 101), located approximately 1.4 miles to the north; and the Santa Monica Freeway (I-10) located approximately 0.7 miles to the south.

The Project Site has approximately 145 feet of frontage along the southerly side of West Olympic Boulevard, which is designated as a Modified Avenue I, and approximately 350 feet of frontage along the easterly side of South Hill Street, which is designated as a Modified Avenue II. A 21-foot wide strip of land would be dedicated along Olympic Boulevard adjoining the site to complete a 51-foot wide half right-of-way, and a 2-foot wide strip of land would be dedicated along the alley adjoining the site to the east to complete a 10-foot wide half right-of-way. Per the Bureau of Engineering, no further dedications or improvements are required for Hill Street.

The Department of City Planning circulated Mitigated Negative Declaration ENV-2016-4711-MND for public review on April 12, 2018 through May 2, 2018. Upon approval of Vesting Tentative Tract No. 74760 on September 6, 2018, the Advisory Agency found that Mitigated Negative Declaration No. ENV-2016-4711-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level through implementation of the adopted mitigation measures, which are reflected in Condition No. 13 through 15 of the Tract's approval.

### **Public Hearing and Public Correspondence**

A joint public hearing on the matter with the Deputy Advisory Agency and Hearing Officer was held at City Hall on Wednesday, August 8, 2018 for Case Nos. VTT-74760 and CPC-2016-4710-TDR-MCUP-SPR. The public hearing was attended by the applicant, the applicant's representative, and members of the public. During the hearing, five members of the public spoke about the proposed project. Speakers included representatives from UNITE HERE Local 11, Los Angeles Tenants Union, Strategic Actions for a Just Economy (SAJE), and South Park Business Improvement District.

Comments made from the public were primarily related to the operations of the applicant's other developments and a need for housing. Additional comments made from the adjoining neighbor related the potential closure of the alley, noise, and dust during construction.

At the end of the public hearing, the Deputy Advisory Agency indicated that he was inclined to approve the vesting tentative tract map, Case No. VTT-74760. The determination letter for Case No. VTT-74760 was issued September 6, 2018, and the decision was subsequently appealed on September 17, 2018.

## APPEAL ANALYSIS

The subject Vesting Tentative Tract (VTT) map approval received two appeals: one from UNITE HERE Local 11 (“Appellant 1”) and one from the Laborer’s International Union of North America, Local 300 (“Appellant 2”). In their justification for the appeals, both appellants claim that the Project’s Mitigated Negative Declaration (MND) as adopted by the Advisory Agency fails to comply with the California Environmental Quality Act (CEQA).

The appeals in their entirety have been attached herein for reference, Exhibit B and Exhibit C. The following is a summary of statements which have been compiled from the submitted appeals.

### Appellant 1:

#### 1. Conversion of Residential Projects Into Hotel-Like Uses

The appellant asserts that the applicant has a history of constructing residential projects, such as the one proposed, which are then converted into short-term rentals or Transient Occupancy Residential Structures (“TORS”) through the issuance of a new Certificate of Occupancy from the Department of Building and Safety (DBS). The appellant cites the applicant’s project located at 888 South Olive Street as an example, in which DBS issued permits to allow 97 of the apartment building’s 283 dwelling units to be rented on a short-term basis. The appellant believes that the proposed Project’s dwelling units should only be leased to long-term residents, such as individuals and families, rather than to tourists or short-term corporate visitors.

The appellant requests that the Department of City Planning impose a condition of approval to restrict the Project from being advertised or rented as a short-term rental or TORS, as otherwise the Project studied in the MND could differ from how the building is ultimately used. The appellant asserts that such a restriction is necessary because the MND’s analysis on air quality impacts, greenhouse gas emissions, and land use impacts assumes a multi-family residential project and not a hotel-like use. The appellant provides examples of similar language in prior determinations issued by the Department of City Planning and asserts that absent of such a condition, the MND is flawed and the Project does not comply with CEQA.

### Staff Response:

The appellant has appealed the Advisory Agency’s decision to approve Vesting Tentative Tract Map No. 74760 for the merger and resubdivision of seven lots into one lot for residential and commercial condominium purposes for a maximum of 700 residential units and 15,000 square feet of commercial space. Neither a TORS nor any hotel-like use has been approved as part of the Advisory Agency’s action. The purpose of a Tract Map is to facilitate the sale, lease, or financing of land; it does not authorize or grant any right to a particular land use. The issue of use will be addressed separately by the City Planning Commission under a separate action for incidental Case No. CPC-2016-4710-TDR-MCUP-SPR for the Transfer of Floor Area Rights, Conditional Use Permit, and Site Plan Review.

The MND adequately analyzes the Project as proposed, which consists of 700 residential dwelling units and 15,000 square feet of commercial area. Furthermore, in a letter dated October 2, 2018, the applicant has volunteered the following Condition of Approval, which would not permit the use and development of the Project as a TORS without additional CEQA review:

The use and development of the 700 multi-family units shall not be permitted as a Transient Occupancy Residential Structure (TORS). To enable the TORS use, the Applicant is required to request a new Site Plan Review approval.

The letter is included as part of Exhibit D as part of the applicant's response to comments and appeal letters. As noted, the Vesting Tentative Tract Map does not pertain to permitted uses and is for consideration of the sale, lease, and financing of the dwelling units. Planning Staff has recommended a Condition of Approval to address any future conversions of the dwelling units to a short-term rental use as part of incidental Case No. CPC-2016-4710-TDR-MCUP-SPR.

In regards to requiring a minimum lease term, the examples which were provided by the appellant are related specifically to projects which were proposed as extended stay hotels. In these instances, the uses were proposed as hotel guest rooms and not as dwelling units. The conditions prohibiting lease terms of no longer than 30 consecutive days is consistent with the transient nature of extended stay hotels. The rental of apartment dwelling units would be subject to State laws pertaining to rental units, and would also have additional oversight from the Housing and Community Investment Development. Additionally, it should be noted, that the Advisory Agency has approved the tract map for the purposes of permitting the dwelling units to be sold as condominium units. In regards to limiting who may purchase or rent a dwelling unit, Planning Staff has not recommended any such condition as it is not within the authority of the Advisory Agency to do so.

## 2. **Aesthetic Impacts**

The appellant asserts that the MND's discussion of aesthetic impacts fails to include discussion of potential aesthetic/shadow impacts caused by a new 60-story, 760-foot tall building on the Site, which is surrounded primarily by low to mid-rise structures reaching no higher than 12 stories.

### **Staff Response:**

In 2013, the State of California enacted Senate Bill 743 (SB 743), which provides that "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." A transit priority area is an area within one-half mile of a major transit stop that is "existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." Public Resources Code Section 21061.3 defines an "Infill Site" as a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

The Project Site is an infill site within a transit priority area as defined by CEQA. The Site is served by two nearby Metro Stations within a half-mile: the 7th Street/Metro Center Station, located approximately 0.5 miles northwest of the Project Site; and the Pico Station, located approximately 0.4 miles west of the Project Site. The Site is located within an urban area and is surrounded with a mix of commercial uses. As such, the aesthetic impacts of the Project are not considered significant impacts on the environment with respect to CEQA.

## 3. **Historic Impacts**

The appellant asserts that the Project will substantially dwarf and obscure historic resources in the vicinity, the Mayan Theater and the Western Pacific Building, and cites various Standards and Guidelines from the Secretary of the Interior relating to contrast, scale, location, design, material, color, and compatibility.

**Staff Response:**

The appellant asserts that the MND does not adequately address the Project's potential impacts on the Mayan Theater and the Western Pacific Building. The appellant has not submitted any evidence to support the assertion. The Project's potential impacts on the two historic resources is discussed in detail under Section V, Cultural Resources, of the MND. The MND's finding that the Proposed Project would result in a less than significant impact upon historic resources is substantiated by the expert opinion and technical analysis provided in the *Olympic + Hill Development Historical Resource Technical Report*, prepared by GPA Consulting, dated May 2017. The technical report was summarized on Pages III-19 through III-26 of the MND and was incorporated in its entirety as Appendix B to the MND.

The Project would be located directly north of the Mayan Theater, which is located on a separate parcel to the south. The Mayan Theater is not a part of the Project or located on the Project Site; thus the new building would not destroy historic materials, features, and spatial relationships that characterize the property. As noted in the technical report, the north elevation of the Mayan Theater is an unarticulated blank wall that is not a character-defining feature. The historic building was designed in anticipation of the construction of another building on the neighboring parcel. Thus, the spatial relationship between the Mayan Theater and its immediate environment would remain intact.

The Mayan Theater ranges in height from two stories at the front to seven stories at the rear. The portion of the Project which abuts the Mayan Theater is the podium which would be only four stories in height, with outdoor amenities on the fifth level. The proposed 60-story tower is located approximately 175 feet away from the property line abutting the Mayan Theater. Within the context of Downtown Los Angeles, this would not be an unusual juxtaposition of heights. The podium portion of the Project would be differentiated from the Mayan Theater by its contemporary design. As the Mayan Theater is so unique in its design, a contemporary design that consists of a regular grid is more appropriate than an attempt to mimic any aspect of Mayan Revival architecture.

The Project would be located northwest of the Western Pacific Building, but separated by an alley. The Western Pacific Building is not a part of the Project or Project Site; thus the new building would not destroy historic materials, features, and spatial relationships that characterize the property. As discussed in the technical report, the west, or rear, elevation of the Western Pacific Building is utilitarian in design. One-over-one double-hung sash metal windows are stacked vertically across the elevation, which is sheathed in stucco and without ornamentation. The historic building was designed in anticipation of the construction of another building across the alley. Thus, the spatial relationship between the Western Pacific Building and its immediate environment would remain intact. The Western Pacific Building would be adjacent to the four-story podium of the Project, as such the portion of the new building is compatible with the height of the 12-story Western Pacific Building. The compatibility of the materials and features between the new and historic buildings is not required in the instance, as they are both rear elevations separated by an alley.

**4. Greenhouse Gas (GHG) Emissions**

The appellant asserts that the MND fails to demonstrate that the Project has a less than significant impact on greenhouse gas (GHG) emissions. The appellant references draft CEQA significance thresholds from the South Coast Air Quality Management District (SCAQMD) of 3,000 MTCO<sub>2e</sub> per year, and compares it against the Project's emissions of 8,205 MTCO<sub>2e</sub> per year. The appellant also takes issue with the MND's evaluation of the Project's consistency with CARB's AB 32 Scoping Plan, SCAG's 2016-2040 RTP/SCS, and the City's Green Building Code. The appellant further asserts that the MND's comparison of the Project

to a project without GHG reduction measures is improper because it mirrors the Business as Usual (“BAU”) analysis rejected by the California Supreme Court in a recent decision.

**Staff Response:**

The Greenhouse Gas Emissions analysis presented in the MND was prepared in accordance with Appendix G of the CEQA Guidelines, the CEQA Thresholds Guide, and all applicable case law providing guidance on the acceptable methodologies for calculating greenhouse gas emissions and determining the significance of GHG emissions relative to compliance with applicable plans and policies adopted for the purposes of reducing GHG emissions.

As noted on Page III-37 of the MND, the SCAQMD released draft guidance regarding interim CEQA GHG significance thresholds in October 2008. The SCAQMD staff’s proposed emission reduction target threshold of 3,000 metric tons of CO<sub>2</sub>e per year was presented to the SCAQMD Governing Board, but was never formally adopted. Moreover, the SCAQMD’s Significance Threshold Stakeholder Working Group proposed and considered GHG Significance Thresholds in September 2010, but never came to a consensus on an adopted threshold or methodology.

To date, the SCAQMD has yet to formally adopt a GHG significance threshold for land use development projects such as the Proposed Project. As noted in the recent California Supreme Court rulings on GHG analysis, the lead agency has wide discretion in selecting an appropriate threshold for determining the significance of GHG emissions. The appellant’s assertion that the MND is inadequate because it does not rely on one of the draft but never adopted numeric thresholds considered by the SCAQMD is incorrect and inconsistent with case law.

In *Center for Biological Diversity v. Department of Fish and Wildlife* (62 Cal.4th 204) (the Newhall Land Case), the Supreme Court noted a range of options are available for lead agencies to assess the significance of GHG emissions. The Court suggested regulatory consistency as one pathway to compliance, by stating that a lead agency might assess consistency with AB 32’s goal in whole or in part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities. The Court stated that a lead agency might assess consistency with AB 32’s goal in whole or part by looking to compliance with regulatory programs designed to reduce GHG from particular activities, including statewide programs and local climate action plans or GHG emissions reduction plans. This approach is consistent with CEQA Guidelines Section 15064, which provides that a determination that an impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, including plans or regulations for the reduction of GHG emissions.

Per CEQA Guidelines Section 15064(h)(3), a project’s incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that would avoid or substantially lessen the cumulative problem within the geographic area of the project. To qualify, such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a “water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plans [and] plans or regulations for the reduction of greenhouse gas emissions.” CEQA Guidelines Section 15064(h)(3). Put another way, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of less than significant for GHG emissions if a project complies with adopted programs, plans, policies and/or other regulatory strategies to reduce GHG emissions.

In the absence of any adopted numeric threshold, the MND analyzed the significance of the Project's GHG emissions consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. As noted on page III-38 of the MND, it was determined that a significant impact would occur if the Proposed Project is not substantially consistent with the applicable policies and/or regulations outlined in the following regulatory programs designed to reduce GHG emissions from development projects: Scoping Plan; SB 375; SCAG's 2016 RTP/CSC; and the Los Angeles Green Building Code. As set forth in the MND, the Proposed Project is consistent with the applicable policies of each of these programs. The appellant provides no evidence to the contrary.

The appellant's assertion that the MND presents an apples-to-apples comparison mirroring the Business as Usual ("BAU") analysis expressly rejected by the California Supreme Court is incorrect and unsubstantiated. Contrary to the approach in the Newhall Land Case, the MND expressly stated that the comparison approach was presented to illustrate the effectiveness of the Proposed Project's compliance the applicable programs designed to reduce GHG emissions. No quantitative numeric target was identified for purposes of setting a threshold of significance, nor does CEQA require such a target.

#### 5. Traffic Impacts

The appellant states that the MND analyzed traffic impacts assuming high-rise residential uses, which have a different trip generation rate than hotel uses (4.20 daily trips per dwelling unit versus 8.17 daily trips per hotel guest room). The appellant asserts that a significant increase in traffic generation may result if the Project is not conditioned to prevent the Site from being converted to a hotel use.

#### **Staff Response:**

The appellant speculates that the Project will be converted into a hotel use as discussed under the "Conversion of Residential Projects Into Hotel-Like Uses" section above. The MND adequately analyzes the Project as proposed, which consists of 700 residential dwelling units and 15,000 square feet of commercial area. Neither a TORS nor any hotel-like use has been approved as part of the Advisory Agency's action. The purpose of a Tract Map is to facilitate the sale, lease, or financing of land, and it does not authorize or grant any right to a particular land use.

In a separate action for incidental Case No. CPC-2016-4710-TDR-MCUP-SPR, the City Planning Commission may consider including a Condition of Approval which would not allow TORS or a hotel-like use without additional environmental review through a separate discretionary review process. As such, the MND adequately analyzes the potential traffic impacts of the Project as proposed.

#### 6. Transportation Demand Management (TDM) Program

The appellant asserts that the Project's Transportation Demand Management (TDM) program is speculative and undefined. The appellant states that the City should require the Project to provide additional transportation-related amenities along with a TDM Monitoring Program with penalties.

**Staff Response:**

To mitigate potential impacts from the Project, the traffic impact analysis analyzed the implementation of a TDM to reduce impacts to a less than significant level. The traffic impact analysis was reviewed by the Department of Transportation, which determined that the analysis was adequate and the implementation of the TDM would reduce impacts to a less than significant level. As detailed in the Inter-Departmental Correspondence from the City of Los Angeles Department of Transportation to the City of Los Angeles Department of City Planning dated July 12, 2017 (DOT Case No. CEN 17-45630) and Mitigation Measure T-1, the TDM program is required prior to the issuance of the first certificate of occupancy for the Project. The TDM program provides objective and verifiable performance criteria, such as a 15 percent reduction in peak hour trips. This type of performance-based mitigation has long been recognized as valid under CEQA and effective.

**Appellant 2:****1. Environmental Impact Report (EIR) Is Required**

The appellant provided assertions that the MND fails to adequately analyze environmental impacts of the Project, fails to adequately describe the environmental setting of the Project, and fails to propose all feasible mitigation measures and alternatives to reduce Project impacts. The appellant does not provide substantial evidence or technical studies to support the assertions.

**Staff Response:**

The appellant's assertion is unsubstantiated and inconsistent with the record of evidence contained in the adopted MND. The MND did identify potentially significant impacts in the categories of biological resources, hazards and hazardous materials, noise, public services, transportation and traffic, and tribal cultural resources and found that mitigation measures for each of these impact areas would mitigate each impact to a less than significant level. The analysis of the MND is based on technical studies which were cited and included in the appendices of the MND. The appellant does not cite any specific purported errors or inaccuracies in the MND or provide any evidence that the Project would result in a significant impact after mitigation. Nor does the appellant propose any mitigation measures that would address their purported concerns for the environment.

**Staff Recommendation**

Based on the aforementioned information, the Advisory Agency did not err or abuse their authority. As conditioned, the proposed map is consistent with the State's Subdivision Map Act, the General Plan, and is consistent with the adopted Central City Community Plan. In addition, the environmental document properly analyzed the project's potential environmental impacts and all significant environmental impacts were mitigated to less than significant levels. Therefore, staff recommends that the appeal be denied and decision of the Advisory Agency be **sustained**.

**Exhibit A – Advisory Agency’s Decision Letter  
and Tract Map**

**DEPARTMENT OF  
CITY PLANNING**

CITY PLANNING COMMISSION

SAMANTHA MILLMAN  
PRESIDENT

VAHID KHORSAND  
VICE-PRESIDENT

DAVID H. J. AMBROZ  
CAROLINE CHOE

RENEE DAKE WILSON  
KAREN MACK  
MARC MITCHELL  
VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN

ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

**CITY OF LOS ANGELES  
CALIFORNIA**



ERIC GARCETTI  
MAYOR

**EXECUTIVE OFFICES**

200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

<http://planning.lacity.org>

Decision Date: September 6, 2018

Last Day to Appeal: September 17, 2018

Onni Capital LLC (O)(A)  
315 W. 9th Street, Suite 801  
Los Angeles, CA 90015

Matt Dzurec (R)  
Armbruster Goldsmith & Delvac LLP  
12100 Wilshire Blvd, Suite 1600  
Los Angeles, CA 90025

RE: Vesting Tentative Tract No. VTT-74760  
Related Case: CPC-2016-4710-TDR-MCUP-  
SPR  
Address: 1000 S. Hill Street (1000-1034 S. Hill  
Street, 220-226 W. Olympic Boulevard)  
Community Plan: Central City  
Zone: [Q]R5-4D-O  
District Map: 126A209  
Council District: 14 - Huizar  
CEQA No.: ENV-2016-4711-MND  
Legal Description: Lots 9, 10, and 12-15 of E.H.  
Workman Tract; Lot A of Tract No. 1814

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03, the Advisory Agency adopted Mitigated Negative Declaration ENV-2016-4711-MND as the environmental clearance, adopted the Mitigation Monitoring Program, and approved Vesting Tentative Tract No. 74760 to permit the merger and resubdivision of seven lots into one lot for residential and commercial condominium purposes, located at 1000 South Hill Street for a maximum of 700 residential units and 15,000 square feet of commercial space, as shown on map stamp-dated December 15, 2017, in the Central City Community Plan. (Verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property.) The Advisory Agency's approval is subject to the following conditions:

**Note on clearing conditions:** When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. That a 21-foot wide strip of land be dedicated along Olympic Boulevard adjoining the subdivision to complete a 51-foot wide half public street right-of-way in accordance with Modified Avenue I of LA Mobility Standards and per Downtown Street Standards. A 15-foot by 15-foot property line cut corner or a 20-foot radius property line return also shall be dedicated at the intersection with Hill Street adjoining the tract. Additional an 8-foot wide average public sidewalk easement shall be provided adjoining the above dedication.
2. That a 2-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley dedication.

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

3. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall comply with any requirements with the Department of Building and Safety, Grading Division for the recordation of the final map and issuance of any permit.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

4. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division, shall issue a clearance letter stating that no Building or Zoning Code violations existing relating to the subdivision on the subject site once the following items have been satisfied:
  - a. Provide a copy of CPC cases CPC-2016-4710-TDR-MCUP-SPR. Show compliance with all the conditions/requirements of the CPC cases as applicable.
  - b. Provide a copy of affidavits AFF-6849 and AFF-4236. Show compliance with all the conditions/requirements of the above affidavits as applicable. Termination of above affidavit may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
  - c. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

## Notes:

The proposed project site is within the Greater Downtown Housing Incentive Area.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was

deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

#### **DEPARTMENT OF TRANSPORTATION**

5. That the project be subject to any recommendations from the Department of Transportation.

#### **FIRE DEPARTMENT**

6. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
  - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
  - b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - c. One or more Knox Boxes will be required to be installed for LAFD access to project.
  - d. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - e. The entrance to a Residence lobby must be within 50 feet of the desired street address curb face.
  - f. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
  - g. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - h. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - i. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

- j. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)
- i. When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
  - ii. It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
  - iii. This policy does not apply to single-family dwellings or to non-residential buildings.
- k. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend onto the roof.
- l. Entrance to the main lobby shall be located off the address side of the building.
- m. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- n. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- o. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
- p. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- q. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full

FAA-approved helicopter landing facilities.

- r. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6509. You should advise any consultant representing you of this requirement as well.

#### **DEPARTMENT OF WATER AND POWER**

7. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with the following conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering:
  - a. Prior to receiving water service the developer must arrange for the Department to install the following: fire hydrants.
  - b. Pressure regulators will be required in accordance with the Los Angeles City Plumbing Code for the following lot(s) where pressures exceed 80 psi at the building pad elevation: High 90 PSI, Low 73 PSI
  - c. Existing water mains are located in or adjacent to this tract as follows: 12" water main in Hill Street, 24" water main in Olympic Boulevard.
  - d. New fire hydrants and/or top upgrades to existing fire hydrants are required in accordance with the Los Angeles Fire Code. Install one (1) 2-1/2" x 4" D.F.H. on the east side of Hill Street, approximately 300' SS Olympic Blvd.

#### **BUREAU OF STREET LIGHTING – SPECIFIC CONDITIONS**

8. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

#### **BUREAU OF SANITATION**

9. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

#### **DEPARTMENT OF RECREATION AND PARKS**

10. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

**DEPARTMENT OF CITY PLANNING – SITE SPECIFIC CONDITIONS**

11. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- a. Limit the proposed development to a maximum of 700 residential units and 15,000 square feet of commercial floor area.
  - b. Pursuant to LAMC Section 12.21 A.4(p)(1), provide a minimum of one off-street parking space per dwelling unit having three habitable rooms or fewer, and provide a minimum of 1.25 parking spaces per dwelling unit having more than three habitable rooms. Notwithstanding the above, the applicant may elect to reduce parking using the bicycle replacement provisions of LAMC Section 12.21 A.4.
  - c. Pursuant to LAMC Section 12.21 A.4(i)(2)(3), provide a minimum of one off-street parking space per 1,000 square feet of commercial floor area.
  - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - e. That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
  - g. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant

- from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

- 12. That prior to the issuance of the building permit or the recordation of the final map, a copy of Case No. CPC-2016-4710-TDR-MCUP-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. CPC-2016-4710-TDR-MCUP-SPR is not approved, the subdivider shall submit a tract modification.

#### **DEPARTMENT OF CITY PLANNING - ENVIRONMENTAL MITIGATION MEASURES**

- 13. That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation **Condition No. 14 and 15** of the

Tract's approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

14. Prior to the recordation of the final map, the subdivider will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

MM-1. Increased Noise Levels (Parking Structure Ramps)

Concrete, not metal, shall be used for construction of parking ramps. The interior ramps shall be textured to prevent tire squeal at turning areas.

MM-2. 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.

MM-3. Transportation Demand Management Plan and Monitoring Program

The Applicant shall prepare and submit a Transportation Demand Management (TDM) Plan to the Department of Transportation prior to the issuance of the first building permit for the Project. A final TDM Plan shall be submitted and approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the Project. The TDM Plan shall include strategies, as determined to be appropriate by the Department of Transportation, that would have a minimum fifteen (15) percent effectiveness in reducing new vehicle trips. TDM program elements should include, but not be limited to, the strategies listed in Mitigation Measure T-1 and the following:

- Site Design – The site will be designed to encourage walking, biking, and transit. Amenities would include:
  - New sidewalks and street trees along the perimeter
  - Improved street and pedestrian lighting.
- Unbundled Parking – Unbundling parking typically separates the cost of purchasing or renting parking spaces from the cost of the purchasing or renting a dwelling unit. Saving money on a dwelling unit by forgoing a parking space acts as an incentive that minimizes auto ownership.

Similarly, paying for parking (by purchasing or leasing a space) acts as a disincentive that discourages auto ownership and trip-making.

- Bicycle Parking – As described in Chapter 7, the Project will provide both long term and short-term bicycle parking. In addition, the Project could provide complementary amenities such as a self-service bike repair area.

A Monitoring Program shall be prepared to provide continued monitoring of the TDM Plan's effectiveness. The Monitoring Program shall be prepared by a licensed Transportation Engineer and be submitted to the Department of Transportation for review. The Monitoring Program shall continue until such time that the Project has shown, for three consecutive years, at a minimum of 85 percent occupancy, a minimum fifteen (15) percent effectiveness in reducing new vehicle trips through implementation of the TDM Plan. Should the review show that the trip reductions have not been met, the Project shall have one year to attain compliance or be subject to a penalty program.

15. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

CM-1. Habitat Modification (Nesting Native Birds)

Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:

- Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.

- Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

CM-2. Soil Management Plan

Due to the historic UST removed from 1022 S. Hill Street, when mass excavation/grading is to be conducted at this portion of the Project Site, proper soil management protocols would need to be followed in the event that petroleum hydrocarbon impacted soil is encountered and displaced.

Construction and grading activities on-site shall implement a Soil Management Plan to the satisfaction of the Los Angeles Fire Department and the Department of Building and Safety.

CM-3. Increased Noise Levels (Demolition, Grading, and Construction Activities)

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.

CM-4. Increased Noise Levels (Demolition, Grading, and Construction Activities)

To the maximum extent practical, demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-5. Increased Noise Levels (Demolition, Grading, and Construction Activities)

The project contractor shall use power construction equipment with noise shielding and muffling devices.

CM-6. Increased Noise Levels (Demolition, Grading, and Construction Activities)

The project contractor shall erect a temporary noise-attenuating sound barrier along the perimeter of the Project Site. The sound wall shall be a minimum of 8 feet in height to block the line-of-site of construction equipment and off site receptors at the ground level. The sound barrier shall include ¾ inch plywood or other sound absorbing material capable of achieving a 5-dBA reduction in sound level.

CM-7. Increased Noise Levels (Demolition, Grading, and Construction Activities)

During structural framing, the project contractor shall utilize temporary portable acoustic barriers, partitions, or acoustic blankets to effectively block the line-of-sight between noise producing equipment and the adjacent residential land uses for purposes of ensuring noise levels at the adjacent residential land uses does not exceed 5 dBA over the ambient noise levels.

CM-8. Increased Noise Levels (Demolition, Grading, and Construction Activities)

An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours of their receipt.

CM-9. Temporary Groundborne Vibration Impacts

All new construction work shall be performed so as not to adversely affect the structural integrity of the adjacent buildings. Prior to commencement of construction, the applicant shall retain a qualified structural engineer to survey the existing foundations and structures of the adjacent buildings, and provide a plan to protect them from potential damage. The performance standards of the structure monitoring plan shall including 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 buildings. A registered structural engineer 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 adjacent structures 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.
- In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant and, if warranted, in a manner that meets the Secretary of the Interior's Standards.
- The structure monitoring program and initial survey documentation shall be submitted to the Department of Building and Safety and received into the case file for the associated discretionary action permitting the project prior to construction.

CM-10. Public Services (Police – Demolition/Construction Sites)

Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

CM-11. Compliance with LADOT

The Applicant shall implement the project requirements detailed in DOT's communication to the Planning Department (DOT Case No. CEN 17-45630 dated July 12, 2017, attached) and as listed below.

*Construction Impacts*

DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should 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. DOT also recommends that construction related traffic be restricted to off-peak hours to the extent possible.

*Transportation Demand Management (TDM) Program*

A final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program should include, but not be limited to the following strategies:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- Administrative support for the formation of carpools/vanpools;
- Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
- Establish bike and walk to work promotions;
- Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- Coupled with the unbundled parking, provide on-site car share amenities for residents;
- Guaranteed ride home program;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Coordinate with DOT to determine if the project location is eligible for a future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
- Provide on-site transit routing and schedule information;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Provide rideshare matching services;
- Preferential rideshare loading/unloading or parking location;

- Contribute a one-time fixed fee contribution of \$50,000 to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.

#### *Highway Dedication and Street Widening Requirements*

The applicant should check with Bureau of Engineering's Land Development Group to determine the specific highway dedication, street widening and/or sidewalk requirements for this project.

#### *Parking Requirements*

The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

#### *Driveway Access and Circulation*

The traffic study indicates that two proposed driveways will provide access to the building's underground parking, including shared access for residents and retail and restaurant customers. The conceptual site plan for the project illustrated in Attachment 3 is acceptable to DOT. However, the review of this study does not constitute approval of the driveway dimensions, access and circulation scheme. Those require separate review and approval and should be coordinated with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4<sup>th</sup> Floor, Station 3, @ 213-482-7024). In order to minimize and prevent last minute building design changes, the applicant should contact DOT, prior to the commencement of building or parking layout design efforts, for driveway width and internal circulation requirements. New driveways should be Case 2 - designed with a recommended width of 30 feet for two-way operations or 16 feet for one-way operations. Delivery truck loading and unloading should take place on site with no vehicles having to back into the project via the proposed project driveways on any adjacent street. However, the truck loading dock off of the alley (Blackstone Court) is acceptable.

#### *Development Review Fees*

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council in 2009 and updated in 2014. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

#### CM-12. Construction Management Plan

The following will be implemented prior to construction:

- As traffic lane, parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.

- Ensure that access will remain unobstructed for land uses in proximity to the project site during project construction.
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.

CM-13. Tribal Cultural Resources

In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long

as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.

- g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract comply with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided

property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
  - (d) All improvements within public streets, private streets, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
  - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

- S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting. Construct new pedestrian lights: two (2) on Olympic Boulevard and five (5) on Hill Street. If street widening per BOE improvement conditions, relocate and upgrade street lights; three (3) on Hill Street and one (1) on Olympic Boulevard.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-

- 3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.
- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.
  - (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
  - (f) Construct access ramps for the handicapped as required by the City Engineer.
  - (g) Close any unused driveways satisfactory to the City Engineer.
  - (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
  - (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
    - a. Improve Olympic Boulevard being dedicated and adjoining the subdivision by the construction of the following:
      - (1) A concrete curb, a concrete gutter, and a 15-foot full-width concrete sidewalk with tree wells.
      - (2) Suitable surfacing to join the existing pavements and to complete 36-foot half roadway.
      - (3) Any necessary removal and reconstruction of existing improvements.
      - (4) The necessary transitions to join the existing improvement.
    - b. Improve the alley being dedicated and adjoining the tract by construction of new surfacing to provide an 18-foot wide alley with longitudinal gutter located at the 10-foot half ally measured from the new tract boundary after the alley dedication including a construction of a new alley intersection with Olympic Boulevard including any necessary removal and reconstruction of existing improvements and necessary transition including the drainage to join the existing alley improvements all satisfactory to the City Engineer:

**NOTES:**

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units. This vesting map does not constitute approval of any variations from the Los Angeles Municipal Code (LAMC), unless approved specifically for this project under separate conditions.

Any removal of the existing street trees shall require Board of Public Works approval.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the LAMC.

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

#### **FINDINGS OF FACT (CEQA)**

The project was issued Mitigated Negative Declaration ENV-2016-4711-MND on April 12, 2018. Potential negative impacts could occur from the project's implementation due to:

- Biological Resources
- Hazards and Hazardous Materials
- Noise
- Public Services
- Transportation
- Tribal Cultural Resources

The Deputy Advisory Agency, adopts Mitigated Negative Declaration No. ENV-2016-4711-MND and finds that it reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition No. 14 and 15 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.), which are specifically intended to mitigate such potential impacts on all projects.

In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition Nos. 14 and 15.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

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

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

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

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the project site. The project site is located within the Central City Community Plan, which designates the site with a High Density Residential land use designation. The land use designation lists the R5 Zone as the corresponding zones. The Project Site is zoned [Q]R5-4D-O, which is consistent with the land use designation. The project site has approximately 50,611 gross square feet of lot area and is located within the Greater Downtown Housing Incentive Area. The site is not subject to any density restrictions but is limited to a FAR of 6:1 per the "D" Limitations contained in Ordinance No. 164307 (SA2645). The project is seeking a Transfer of Floor Area Rights (TFAR) for the approximate amount of 354,277 square feet of floor area to the Project site, permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area.

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

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

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

permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area.

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

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

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

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

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

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

The adjacent property to the north, across Olympic Boulevard, is zoned [Q]R5-4D and developed with a vacant one-story mini-shopping center. The adjoining property to the south is zoned [Q]R5-4D and developed with the Mayan Theater. The adjacent properties to the east, across the public alley, are zoned C2-4D-O-SN and developed with one-story

commercial buildings and a 12-story commercial office building. The adjacent properties to the west, across Hill Street, are zoned [Q]R5-4D-O and developed with a commercial corner building and a surface parking lot. The site is located approximately 3,500 feet (0.7 miles) from Interstate 110 to the west and Interstate 10 to the east.

The project entails the construction of a 60-story mixed-use building (760 feet in height) with 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail space. The project site has approximately 50,611 square feet of gross lot area and is located within the Greater Downtown Housing Incentive Area. The site is not subject to any density restrictions but is limited to a FAR of 6:1 per the "D" Limitations contained in Ordinance No. 164307 (SA2645). The project is seeking a Transfer of Floor Area Rights (TFAR) under incidental Case No. CPC-2016-4710-TDR-MCUP-SPR for the approximate amount of 354,277 square feet of floor area to the Project site, permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area. Additionally, prior to the issuance of a demolition, grading, or building permit, the project would be required to comply with conditions herein and applicable requirements of the LAMC. As conditioned the proposed tract map is physically suitable for the proposed density of the development.

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

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

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

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

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

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

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

property within the proposed subdivision, as identified on the tract map. Necessary easements for utilities will be acquired by the City prior to the recordation of the proposed parcel map.

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

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

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

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

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

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

VINCENT P. BERTONI, AICP  
Advisory Agency



KEVIN S. GOLDEN  
Deputy Advisory Agency



JANE J. CHOI, AICP  
Senior City Planner

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission or Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices:

*Downtown Office  
Figueroa Plaza  
201 North Figueroa Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077*

*Valley Office  
6262 Van Nuys Boulevard, Suite 251  
Van Nuys, CA 91401  
(818) 374-5050*

*West Los Angeles Office  
1828 Sawtelle Boulevard, 2<sup>nd</sup> Floor  
Los Angeles, CA 90025  
(310) 231-2598*

Forms are also available on-line at <http://planning.lacity.org>

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90<sup>th</sup> day following the date on which the City's decision becomes final.



**Exhibit B – Appeal Application**

**UNITE HERE Local 11**



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission, City Planning Commission, City Council, Director of Planning

Regarding Case Number: VTT-74760, ENV-2016-4711-MND

Project Address: 1000-1034 S. Hill St; 220-226 W. Olympic Blvd.

Final Date to Appeal: September 17, 2018

- Type of Appeal: Appeal by Applicant/Owner, Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved, Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Charles Carnow & Antonio Mendoza

Company: UNITE HERE Local 11

Mailing Address: 464 Lucas Ave #201

City: Los Angeles State: CA Zip: 90017

Telephone: E-mail: ccarnow@unitehere11.org

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self, Other: UNITE HERE Local 11

- Is the appeal being filed to support the original applicant's position? Yes, No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable):

Company:

Mailing Address:

City: State: Zip:

Telephone: E-mail:

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part

Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: 9/17/17

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>F. LEIWA</u>	Date: <u>9/17/2017</u>
Receipt No: <u>010294378</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

# UNITEHERE! Local 11

464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-8530 • FAX (213) 481-0352

September 17, 2018

City Planning Commission  
200 N. Spring St., Room 532  
Los Angeles, CA 90012

**Re: Appeal Justification for Hill/Olympic Project (1000-1034. S. Hill, 220-226 W. Olympic Blvd)  
VTT-74760; ENV-2016-4711-MND**

Dear City Planning Commissioners,

UNITE HERE Local 11, Antonio Mendoza and Charles Carnow (collectively “Appellants”), hereby respectfully appeal (the “Appeal”) the Advisory Agency’s approval of the above-referenced residential development (“Project”) proposed by Onni Capital LLC (“Applicant”), located at 1000 S. Hill St (“Site”). Under the Los Angeles Municipal Code (“LAMC” or “Code”) and the California Environmental Quality Act (“CEQA”), Pub. Res. Code § 21000 *et seq.*, this Appeal challenges both the Project’s Vesting Tentative Tract Approval (“Entitlement”) and its Mitigated Negative Declaration (“MND”) (collectively “Project Approvals”). According to the Letter of Determination dated September 6<sup>th</sup>, 2018, the last day to file an appeal is September 17<sup>th</sup>, 2018.

**REASON FOR THE APPEAL:** The Project’s MND fails to comply with CEQA. In particular, the MND fails to adequately analyze the environmental impacts of the Project and fails to propose all feasible mitigation measures to reduce Project impacts. A number of these concerns were raised by Appellants in their August 7, 2018 comment letter (attached hereto as Exhibit A). Additionally, the discretionary entitlements are not by right, and the required findings cannot be made.

**SPECIFIC POINTS IN ISSUE:** The specific points at issue were fully outlined in the comment letters submitted, including the August 7, 2018 letter submitted by Appellants. These issues include insufficiently analyzed and mitigated impacts on greenhouse gases and associated traffic impacts, aesthetic/shadow impacts, impacts on access to historic resources, and possible CEQA piecemealing issues. Additionally, as raised by other commenters during the Advisory Agency’s hearing, there is insufficient mitigation of potential noise impacts, particularly during construction, and insufficient mitigation of traffic impacts that could impair alley access to adjacent small businesses.

As stated in the August 7, 2018 comment letter, Onni has an established history of proposing a project during the entitlement stage, and subsequently building out and operating an entirely different project later. The justifications for this Project and the analysis of its environmental impacts rely on it being a residential project. Appropriate conditions should be put in place to ensure it remains so. This is particularly necessary because Onni has claimed, with respect to its 888 S. Olive St project, a project similarly entitled for residential uses prior to conversion to transient-occupancy resident structures, that short term rentals are permitted by right (*see* Exhibit B, p. 2) in significant swathes of Downtown Los Angeles, including areas with zoning essentially

identical to that of 1000 S. Hill St. <sup>1</sup> Onni further suggested that the lack of a condition of approval limiting lease term for leases at 888 S. Olive St project meant that short-term rentals and other transient uses were allowed at the site. In order to ensure the Olympic / Hill St project remains residential, the City should add the following as conditions of approval to the project:

- A condition, running with the land, that bans its conversion to Transient-Occupancy Residential Occupancy Structure, hotel, or motel use. Significant precedent exists for this. As shown in Exhibit C, several extended stay hotels have included conditions banning future conversion of the sites to residential uses. The City imposed this requirement to ensure these extended-stay hotels would fulfill their function of expanding the supply of hotel rooms to business tourists who require a longer stay. Here too, the City seeks to approve a residential project during a housing crisis. This condition will help ensure that the Project fulfills the original purpose of its approval.
- Require leases to be offered for terms of no less than one year. Additionally, a condition should ban any subletting of Project units for less than 30 days. As shown in Exhibit D, other projects have included lease term limitations. This condition would apply if Onni opts to rent out dwelling units in the project, rather than utilizing the approvals granted to sell the units as condos.

**HOW ARE YOU AGGRIEVED BY THE DECISION:** Appellants and UNITE HERE members live and/or work in the vicinity of the Project Site, breathe the air, suffer traffic congestions, and will suffer from other environmental impacts of the Project unless they are properly analyzed and mitigated. Additionally, Appellants are committed to responsible development in Los Angeles and informed decision-making by public officials regarding projects that may cause significant impacts to the environment. Hence, granting this Appeal will confer substantial benefit not only to Appellants but also the public, including citizens, residents, businesses and taxpayers affected by the Project, and will result in the enforcement of important public rights.

**HOW DID THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION:** The Advisory Agency approved the Project Approvals even though there is substantial evidence demonstrating that the MND fails to comply with CEQA.

Appellants respectfully reserve the right to supplement this appeal justification at future hearings and proceedings for this Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Sincerely,

Charlie Carnow  
Research Analyst  
UNITE HERE Local 11

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<sup>1</sup> Ordinance No. 164307 established Q conditions that among other provisions, permit hotels, motels, and apartment hotels uses by right in significant parts of Downtown LA. 1000 S. Hill St and 888 S. Olive St are subject to identical Q conditions.

Exhibit A:

August 8<sup>th</sup>, 2018 Comment Letter by Attorney Gideon  
Kracov on behalf of Appellants regarding Hill/Olympic  
Project

**GIDEON KRACOV**

Attorney at Law

801 South Grand Avenue  
11th Floor  
Los Angeles, California 90017

(213) 629-2071  
Fax: (213) 623-7755

gk@gideonlaw.net  
www.gideonlaw.net

August 8, 2018

**VIA HAND DELIVERY & EMAIL:**

Michael Sin, City Planning Associate  
Los Angeles City Hall, Room 1070  
200 N. Spring St.  
Los Angeles, CA 90012  
[michael.sin@lacity.org](mailto:michael.sin@lacity.org)

**Re: Comments for the Olympic/Hill Project (1000-34 S. Hill St., 220-26 W. Olympic Blvd.);  
Project Approvals (VTT-74760, CPC-2016-4710, ENV-2016-4711);**

Dear Mr. Sin:

On behalf of UNITE HERE Local 11 ("Local 11"), Charlie Carnow, and Antonio Mendoza (collectively "Commentors"), this Office provides the City of Los Angeles ("City") and its Department of City Planning ("DCP") the following comments regarding the referenced Olympic & Hill mixed-use development ("Project"), located on a 1.16 acre, one-half city-block ("Site"), proposed by Onni Capital, LLC ("Onni" or "Applicant"), including the Project's mitigated negative declaration ("MND").<sup>1</sup> Commentors are concerned with the Project's compliance with the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.*, ("CEQA") and the Los Angeles Municipal Code ("LAMC" or "Code").

In short, Onni has a track record of converting residential projects into hotel-like uses after being approved, with impacts associated with the hotel uses going unanalyzed. This amounts to improper project piecemealing under CEQA. Additionally, this pattern and practice runs against the City's Code-required land use findings, which predominately highlight the urgent need to bring more residential housing opportunities to Los Angeles. Here, the Project includes zero-affordable housing units and seeks approval of a transfer-of-floor-area-rights ("TFAR") to allow the maximum 13:1 floor-area-ratio ("FAR") allowed under the City's General Plan. ***Given this Project is entirely discretionary, DCP should ensure that if a mutli-family residential project is approved, that Onni actually builds and operates an actual residential project.*** Furthermore, the analysis contained in the MND contains serious flaws affecting aesthetic/historic, greenhouse gas ("GHG") emission, and traffic impacts—requiring additional analysis, mitigation, and enforceable conditions of approval.

***For these reasons, Commentors respectfully request that the City withhold all project approvals, including approval of the vesting tentative tract approval, until the MND is revised and re-circulated for public comment.***

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<sup>1</sup> Inclusive of the Initial Study ("IS") and all appendices ("APP-##"). Because appendices may include several documents not sequentially numbered consistently throughout the PDF document, all page citations are to the PDF page locations within the appendix and referenced herein as ("PDF p. ##").



## I. SPECIFIC POINTS AT ISSUE

### A. ONNI'S RECORD OF IMPROPER CONVERSION OF RESIDENTIAL PROJECTS

Onni has an established history of proposing a project during the entitlement stage, and subsequently building out and operating an entirely different project later. For example, between 2008-2013, Applicant entitled a 300+ unit condominium at 888 S. Olive Street,<sup>2</sup> but shortly after construction advertised the project for short-term rentals and converted the building into a Transient Occupancy Residential Structure (“TORS”) via a certificate of occupancy (“CoO”) issued by the City’s Department of Building and Safety (“DBS”).<sup>3</sup> This was done in clear contradiction of the prior project approvals, the Code, and is now the subject of a current DCP appeal (DIR-2018-3042-BSA) attached hereto. Similarly, in May 2017, the City of Vancouver fined Onni \$24,000 for illegal short-term rentals at its Level property after it refused to comply with two city-warnings to stop the practice.<sup>4</sup> Again in 2017, in Richmond, Ontario, Onni received approvals to construct six low-rise apartment buildings above a commercial space zoned for maritime use but left the buildings vacant, and later sought a zone change to allow a hotel, retail and office space.<sup>5</sup> According to Richmond Councilor Carol Day, “[w]e’re having the same problem other cities are having which is Onni says one thing during the development process and then does another thing years later.”

Given Onni’s track record, Commentors request that the DCP impose enforceable conditions of approval that restricts the Site from being advertised/rented as short-term rental, hotel, TORS, or other hotel-like uses after receiving its CoO. Similar restrictions have been incorporated into other project approvals by the City which run with the land.<sup>6</sup> Additionally, the condition of approval should prevent Onni from offering any lease for less than one year, nor allow tenants to sublet or assign their units or any portion thereof for less than 30 days. Furthermore, the Project should also be leased only to actual individuals and families, rather than corporations or other business entities to ensure this housing remains for long-term residents—not tourists or short-term corporate visitors.<sup>7</sup>

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<sup>2</sup> DCP Case Nos. ENV-2008-2573-MND, DIR-2008-2600-SPR-EXT3, VTT-70371-CN-EXT2, ENV-2008-2573-MND-REC1, ZA-2013-1013-MCUP-ZV-SPR-EXT, VTT-70371-CN-M1.

<sup>3</sup> DBS Permit No. 17016-1000-04294 issued 06/14/17.

<sup>4</sup> See <http://www.cbc.ca/news/canada/british-columbia/it-is-illegal-city-tells-developer-to-stop-short-term-rentals-1.4048098>.

<sup>5</sup> <http://www.cbc.ca/news/canada/british-columbia/steveston-rezoning-2017-1.4358332>.

<sup>6</sup> Letter of Determination (4/5/18) CPC-2015-4611-GPA-VZC-HD-DB-MCUP-WDI-SPR, p. Q1 (“The use and development of the 231 multi-family units shall not be permitted to operate as a Transit Occupancy Residential Structure (TORS). To enable the TORS apartment/hotel hybrid use, the applicant is required to request a Conditional Use Permit.”), <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZDMxY2FjMWQ0tYzA4OC00NzRjLWJmYWVlZmYyZk2NTcxNDI30>; Letter of Determination (2/27/98) ZA-97-0945-CUZ-ZAI, p. 3 (restriction on conversions “shall run with the land and shall be binding on any subsequent owners, heirs or assigns.”)

<sup>7</sup> See City of Santa Monica (8/9/18) Rent Control Board Memo, p. 2 (discussing potential steps for the City of Santa Monica to address “a new threat to the rental housing supply ... as an increasing number of landlords have begun to rent to corporate entities who use rent-controlled units for other than the provision of long-term, permanent housing, or themselves rent units to short-term visitors ... Although these practices effect less of a wholesale loss of units than does the demolition of an entire apartment building, the loss is nonetheless real.”), [https://www.smgov.net/uploadedFiles/Departments/Rent\\_Control/About\\_the\\_Rent\\_Control\\_Board/Staff\\_Reports/2018/Item%2012A%20Corporate%20Housing.pdf](https://www.smgov.net/uploadedFiles/Departments/Rent_Control/About_the_Rent_Control_Board/Staff_Reports/2018/Item%2012A%20Corporate%20Housing.pdf).

This is particularly appropriate given the MND's impact determinations rely heavily on the Project's infill-residential nature, specifically providing multi-family residential units in a transit-rich and pedestrian-oriented area. *See e.g.*, MND pp. III: 5-6 (air quality impacts); III:42-49 (GHG impacts); III:67-82 (land use impacts).

In addition to ensure compliance with CEQA, this condition is necessary to make sure Onni does not skirt its compliance with the City's Affordable Housing Linkage Fee requirements, which applies to non-residential uses "including hotels."<sup>8</sup> Here, the Project provides only market-rate units with zero affordable housing. MND, pp. III-47, 67, 71-74. ***It is imperative that if Onni seeks to convert this Site into a hotel-like use, via a backdoor CoO permit issued by DBS, the Applicant must be subject to and pay all linkage fees.*** Additionally, the Project provides primarily private open-space to its tenants, with limited opportunities for the public, which is underserved by parks. MND, Fig. III:2, pp. III:122-123. Because the Project is requesting TFAR and subject to public benefit provisions under the Code, all public benefits should prioritize open-space, parks, and affordable housing opportunities near the Project Site, as the TFAR Ordinance was intended to serve.<sup>9</sup>

## B. AESTHETIC/SHADOW/HISTORIC IMPACTS

Notwithstanding Senate Bill 743, CEQA and the City Code require aesthetics/shadow impacts to be disclosed to serve CEQA's informed public decision-making purpose, especially when said impacts could have impacts on historic resources. Here, the MND's cursory discussion of aesthetic impacts (MND, pp. III:1-2) fails to include any meaningful discussion of potential aesthetic/shadow impacts caused by a new 60-story, 760-foot tall building on the Site, which is surrounded primarily by low to mid-rise structures reaching no higher than 12 stories (in one instance). MND, pp. II:7-11; MND, APP-B, PDF p. 10. Immediately adjacent to the Project Site are two historic resources, the Mayan Theater and the Western Pacific Building, which are clearly visible from the Hill/Olympic intersection. MND, pp. III:20-22; MND, APP-B, PDF p. 11 (Fig. 2). As depicted in the MND, the Project will substantially dwarf and obscure these resources. MND, Figs. II:13; MND, APP-B, PDF p. 19 (Fig. 8).

Under the City's CEQA Threshold Guide ("LA CEQA Guidelines"),<sup>10</sup> a project's historic impact is significant if it would result in a substantial adverse change in the significance of an historical resources, such as not conforming to the Secretary of the Interior's Standards and Guidelines ("SoI Guidelines"),<sup>11</sup> reducing the integrity or significance of important resources on the site or vicinity, being incompatible in mass and scale, or indirectly reducing the viability of a district or group of historic resources. *See* LA CEQA Guidelines, pp. D.3:3-5. This is echoed in the SoI Guidelines, which recognize that new construction "in extreme contrast" to historic buildings is not compatible and, rather, "should be appropriately scaled and located far enough away from the historic building to maintain its character and that of the site and setting." SoI Guidelines, p. 26. For example, the Project exemplifies features that are specifically not recommended by the SoI Guidelines, such as: "locating parking areas directly adjacent to historic buildings where vehicles may cause damage to buildings or landscape features" (*id.* at p. 142); "introducing new construction on the building site which is visually incompatible in terms of size, scale, design, material, or color" (*id.*); new construction "in a

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staff report for an example of how a nearby jurisdiction is handling proliferation of corporate housing. <  
[https://www.smgov.net/uploadedFiles/Departments/Rent\\_Control/About\\_the\\_Rent\\_Control\\_Board/Staff\\_Reports/2018/Item%2012A%20Corporate%20Housing.pdf](https://www.smgov.net/uploadedFiles/Departments/Rent_Control/About_the_Rent_Control_Board/Staff_Reports/2018/Item%2012A%20Corporate%20Housing.pdf)>

<sup>8</sup> *See* DCP Memo (7/16/18) Affordable Housing Linkage Fee Ordinance and Updated Fee Schedule, p. 4, <https://planning.lacity.org/ordinances/docs/ahlf/ImplementationMemo.pdf>.

<sup>9</sup> <https://www.planningreport.com/2007/04/19/city-la-approves-tfar-ordinance-let-high-rises-rise>.

<sup>10</sup> <http://planning.lacity.org/Documents/MajorProjects/CEQAThresholdsGuide.pdf>.

<sup>11</sup> <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>.

manner that obscures, damages, or destroys character-defining features of the historic building ... [c]onstructing a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character)[]" (*id.* at 156); "[p]lacing new construction too close to the historic building so that it negatively impacts the building's character, the site, or setting ... [a]dding new construction that results in the diminution or loss of the historic character of the building, including its design, materials, location, or setting ... [c]onstructing a new building on a historic property or on an adjacent site that is much larger than the historic building[]" (*id.* at 161-162).

### C. GHG IMPACTS

Here, the MND fails to demonstrate that the Project has a less than significant GHG impacts. The MND references three general thresholds offered by the CEQA Guidelines (14 Cal. Code Regs.) including whether the Project (1) increases GHG emissions above baseline conditions, (2) exceeds a threshold of significance that applies to the project, or (3) complies with regulatory requirements adopted to reduce GHG emissions. (MND, p. III:38). Here, all three significance thresholds are triggered.

First, the MND demonstrates that the Project will generate 8,204.63 metric tons of CO<sub>2</sub> equivalents per year ("MTCO<sub>2</sub>e/yr"), which is above the assumed baseline of zero. (MND, p. III:39-40).

Second, while noting South Coast Air Quality Management District ("SCAQMD")'s interim CEQA significance thresholds of 3,000 MTCO<sub>2</sub>e/yr, the MND fails to compare the Project's against this threshold despite the City's consistent use of this threshold for similar projects,<sup>12</sup> some of which using the same environmental prepares used here (Parker Environmental Consultants).<sup>13</sup> Here, the Project's 8,204.63 MTCO<sub>2</sub>e/yr is more than double SCAQMD's 3,000 MTCO<sub>2</sub>e/yr threshold.

Nor does the MND mention SCAQMD's proposed project-level efficiency target of 4.8 and 3.0 MTCO<sub>2</sub>e/yr per service population ("MTCO<sub>2</sub>e/yr/sp") as a 2020 and 2035 GHG reduction target (respectively),<sup>14</sup> which has also been used by the City.<sup>15</sup> Per SCAQMD guidance, because the Project's GHG emissions exceed the SCAQMD's 3,000 MT CO<sub>2</sub>e/yr screening-level threshold, the Project's emissions should be compared to the proposed 2020 and 2035 efficiency targets. Here, given the Project's service population is 1,248 (1176 residents and 72 employees) (MDN, pp. III:111-112), the Project will have a GHG efficiency of 6.57 MTCO<sub>2</sub>e/yr/sp,<sup>16</sup> which exceeds both

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<sup>12</sup> See e.g., 400 S. Alameda (May 2017) ENV-2016-3656-MND, p. IV:40-41, [https://planning.lacity.org/staffrpt/mnd/Pub\\_052517/ENV-2016-3656.pdf](https://planning.lacity.org/staffrpt/mnd/Pub_052517/ENV-2016-3656.pdf); 1400 Cahuenga (Apr. 2016) ENV-2015-3167-MND, p. 3:61, [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_040716/ENV-2015-3167.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_040716/ENV-2015-3167.pdf) and ENV-2015-3167-MND-REC 1 (Nov. 2017), p. 2:46; 6516 W. Selma Avenue (Dec. 2016) ENV-2016-4313-MND, p. IV:38, [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_122216/ENV-2016-4313.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_122216/ENV-2016-4313.pdf); 433 S. Main St. (Aug. 2017) ENV-2016-3817-MND, p. 34-35, [https://planning.lacity.org/staffrpt/mnd/Pub\\_070617/ENV-2016-3817.pdf](https://planning.lacity.org/staffrpt/mnd/Pub_070617/ENV-2016-3817.pdf).

<sup>13</sup> See e.g., 2130 E. Violet St. (Sep. 2016) ENV-2016-1707-MND, p. III:34-35 [Table III-8, note b], [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_092916/ENV-2016-1707.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_092916/ENV-2016-1707.pdf); 959 S. Broadway (Jan. 2016) ENV-2014-2948, p. 34-35, <http://cityplanning.lacity.org/staffrpt/mnd/ENV-2014-2948.pdf>.

<sup>14</sup> See SCAQMD Working Group Meeting 15 Minutes, available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2)

<sup>15</sup> See e.g., 631 S. Spring Street (Jan. 2017) ENV-2015-2356-EIR, pp. IV.E:23-24, 28-30 <https://planning.lacity.org/eir/SpringStHotel/DEIR/DEIR%20Sections/Spring%20St%20Hotel%20IV.E%20Greenhouse%20Gas%20Emissions.pdf>; 6516 W. Selma Avenue, *supra* fn 12, p. IV:38-39;

<sup>16</sup> Calculated: (8,204.63 MTCO<sub>2</sub>e/yr) divided by (1,248 service population) equals 6.5742 MTCO<sub>2</sub>e/yr/sp.

2020 and 2035 targets. This also exceeds the community-wide efficiency targets of 6.0 MTCO<sub>2</sub>e per capita by 2030 and no more than 2.0 MTCO<sub>2</sub>e per capita by 2050 proposed by the California Air Resources Board (“CARB”) in its 2017 Scoping Plan—a goal that “expands upon the reduction of 15 percent ... previously recommended in the 2008 Scoping Plan.”<sup>17</sup> The MND fails to model or provide any such efficiency target, and for the most part its entire GHG analysis is speculative fluff with little modeling.

Third, the MND cherry-picks the Project’s consistency with various plans such as CARB’s AB 32 Scoping Plan, SCAG’s 2016-2040 RTP/SCS, and the City’s Green Building Code. MND, pp. III:40-49. However, none of these plans qualify as a Climate Action Plan (“CAP”) adopted pursuant to an adequate CEQA review with the specific intent of reducing a lead agency’s fair-share contribution to the State’s GHG emissions. As made clear by the California Supreme Court, just because a “project is designed to meet high building efficiency and conservation standards, for example, does not establish that its [GHG] emissions from transportation activities lack significant impacts.” *Center for Biological Diversity v. Department of Fish & Wildlife (“Newhall Ranch”)* (2015) 62 Cal.4th 204, 229. This concept is known as “additionality” whereby GHG emission reductions otherwise required by law or regulation are appropriately considered part of the baseline and, pursuant to CEQA Guideline § 15064.4(b)(1), a new project’s emission should be compared against that existing baseline.<sup>18</sup> Hence, a “project should not subsidize or take credit for emissions reductions which would have occurred regardless of the project.”<sup>19</sup> In short, as observed by the Court, newer developments must be more GHG-efficient. See *Newhall Ranch*, 62 Cal.4th at 226. Therefore, the MND’s reliance on these non-CAP plans is a red-herring designed to make the Project’s direct and cumulative GHG impacts appear to be insignificant. MND, pp. III: 40-49, 50.

Additionally, the MND claims that the Project would achieve a nine percent reduction in GHG emissions as compared to a project without GHG reduction measures. MND, p. III:39. Although the MND claims that this comparison is “not a quantitative threshold of significance” (*id.*), it serves as a red-herring to make the Project appear to be GHG insignificant. This type of analysis is apples-to-apples to the Business as Usual (“BAU”) analysis expressly rejected by the California Supreme Court. *Newhall Ranch*, 62 Cal.4th at 227 (“[t]he analytical gap left by the EIR’s failure to establish, through substantial evidence and reasoned explanation, a quantitative equivalence between the Scoping Plan’s statewide comparison and the EIR’s own project-level comparison deprived the EIR of its ‘sufficiency as an informative document.’ [citation].”). Similarly, the MND’s analysis leaves an analytical gap showing how the Project’s compliance with regulatory requirements is relevant to determine whether the Project’s GHG emissions are insignificant. As

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<sup>17</sup> CARB (Nov. 2017) 2017 Scoping Plan, pp. 99-100, [https://www.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf).

<sup>18</sup> See Final Statement of Reasons for Regulatory Action: Amendments to State CEQA Guidelines Addressing Analysis and Mitigation of GHG Emissions Pursuant to SB-97 (“Final Statement of Reasons”) (Dec. 2009), pp. 23, 89 (while a Platinum LEED® rating may be relevant to emissions from a building’s energy use, “that performance standard may not reveal sufficient information to evaluate transportation-related emissions associated with that proposed project”), [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf); see also California Air Pollution Control Officers Association (“CAPCOA”) (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, pp. 32, A3 (“in order for a project or measure that reduces emissions to count as mitigation of impacts, the reductions have to be ‘additional.’ Greenhouse gas emission reductions that are otherwise required by law or regulation would appropriately be considered part of the existing baseline. Thus, any resulting emission reduction cannot be construed as appropriate (or additional) for purposes of mitigation under CEQA.”), <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

<sup>19</sup> CAPCOA, *supra* fn. 18, p. A-3.

discussed above, these requirements were not part of a qualified CAP and therefore a qualitative comparison to these regulatory requirements is irrelevant to the question of whether the Project has a significant GHG impact.

Fourth, the MND relies on speculative mitigation measures. The claimed nine percent reduction in GHG emissions (discussed above) stems from project design features and mitigation measures (“MM”) such as “implementing an operational recycling program during the life of the Project” and a 15 percent reduction in daily trips from a traffic demand management (“TDM”) Program. MND, pp. III:39-40; MND, APP-H, PDF p. 51. However, the MND fails to describe the components of the recycling program or demonstrate how it will be enforced. Similarly, the exact components of the TDM program is not certain and yet to be determined by the Department of Transportation (“DOT”). IS, pp. 22-23 [MM T-1]; MND, APP-H, PDF pp. 3-4. Nor is the TDM Monitoring Program sufficiently described (IS, pp. 22-24 [MM T-2]), such as what frequencies the TDM Program shall be reviewed, how disputes between DOT and the Applicant shall be resolved, or what penalties shall be available to ensure actual enforcement of the TDM Program. At minimum, the City should commit the Project to concrete, meaningful mitigation measures, such as

- Free transit passes for all residential tenants and employees of the Project, including those in the 15,000 SF ground floor retail/commercial space;
- Provide rideshare matching services;
- Funds for the Metro Bikeshare program; and
- A more thorough TDM Monitoring Program with vigorous oversight and penalties with actual teeth.

#### D. TRAFFIC IMPACTS

Here, the MND analyzed traffic impacts assuming high-rise residential uses (ITE use code 222 and 232), which generates 4.20 daily trips with a 0.34/0.38 AM/PM Peak Hour rate (respectively). MND, Table III:32; MND, APP-H, PDF p. 33, 54, 73. As compared to a hotel use (ITE use code 310), like the Spring Street Hotel project listed in the MND as related project 81 (MND, p. II:34), a hotel generates 8.17 daily trips with a 0.53/0.61 AM/PM Peak Hour rate (respectively).<sup>20</sup> This is a significant increase in traffic generation with potential impacts going unanalyzed if the Project is not sufficiently conditioned to prevent the Site from being converted to a hotel use without additional CEQA review. Additionally, the only TDM strategy proposed by the Applicant is the unbundling of parking costs. MND, APP-H, PDF p. 190. As discussed above, the MND claims a 15 percent reduction in vehicle-miles-traveled (“VMT”) by incorporating this mitigation measures, which reflects measure PDT-2 proposed by the CAPCOA intended to reduce a project’s GHG emissions from mobile sources. MND, III:149, 182; MND, APP-H, PDF p. 190-193.<sup>21</sup> According to CAPCOA, this strategy while applicable to residential projects, is not applicable to hotel projects.<sup>22</sup>

***This further supports the need for an explicit restriction barring the Site’s future use as a hotel or TORs without additional CEQA review.***

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<sup>20</sup> 633 S. Spring St. (Jan. 2017) ENV-2015-2356-EIR, Table IV.J:5, <https://planning.lacity.org/eir/SpringStHotel/Deir/DEIR%20Sections/Spring%20St%20Hotel%20IV.J%20Transportation.pdf>.

<sup>21</sup> See also CAPCOA, *supra* fn. 18, pp. 210-212.

<sup>22</sup> *Ibid.*, at p. 210.

## II. CONCLUSION

Commentors appreciate the opportunity to provide these comments. Again, Commentors respectfully request that the City withhold all project approvals until the MND cures the flaws discussed above and recirculated for public review. Additionally, Commentors request that all feasible mitigation measures and conditions be incorporated into any future Project approval, including but not limited to:

- Conditions of approval that prevent Onni or its successor-in-interest from (a) advertising or renting the Project as a short-term rental, hotel, TORS, or other hotel-like use; (b) offering leases for less than one year or allowing tenants to sublet/assign their units for less than 30 days; or (c) leasing units to corporate/business entities—all of which ensure this Project provides actual housing for long-term residents;
- Conditions that ensures any subsequent conversion to hotel-like use would be subject to a new CEQA review and subject to the City's Affordable Housing Linkage Fee;
- Prioritizing all public benefit/TFAR payments to open-space, parks, and affordable housing opportunities for the public near the Project Site;
- Free transit passes for all residential tenants and employees of the Project;
- Provide rideshare matching services;
- Funds for the Metro Bikeshare program; and
- A more detailed TDM Monitoring Program with adequate oversight and penalties.

Commentors reserve the right to supplement these comments at future hearings and proceedings for this Project. *See Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Finally, on behalf of Appellants, this Office requests, to the extent not already on the notice list, all notices of CEQA actions, Appeal hearing and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. *See* Pub. Res. Code §§ 21080.4, 21083.9, 21092, 21092.2, 21108, 21167(f) and Gov. Code § 65092. Please send notice by electronic and regular mail to: Gideon Kracov, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, [gk@gideonlaw.net](mailto:gk@gideonlaw.net) (cc: [jordan@gideonlaw.net](mailto:jordan@gideonlaw.net)).

Sincerely,



Gideon Kracov  
Attorney for Appellants

Enclosure

Exhibit B:

Pertinent sections of Armbruster, Goldsmith and Delvac  
Letter of 7/19/18 regarding Appeal of 888. S. Olive St  
(DIR-2018-3042-BSA). Pages 2 & 3 of letter.

**ARMBRUSTER GOLDSMITH & DELVAC LLP**

LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

DALE GOLDSMITH  
DIRECT DIAL: 310-254-9054

12100 WILSHIRE BOULEVARD, SUITE 1600  
LOS ANGELES, CA 90025

Tel: (310) 209-8800  
Fax: (310) 209-8801

E-MAIL: Dale@AGD-LandUse.com

WEB: www.AGD-LandUse.com

July 19, 2018

VIA E-MAIL

May Sirinopwongsagon  
City Planner  
Los Angeles Department of City Planning  
200 North Spring Street, Room 621  
Los Angeles, CA 90012

may.sirinopwongsagon@lacity.org

Re: 888 Olive Street – DIR-2018-3042-BSA

Dear May:

As you know, we represent Onni Group (“Onni”), the owner of the apartment project (the “Project”) located at 888 Olive Street, Los Angeles, California. Onni offers Project tenants traditional lease terms of six months to one year. Onni also offers variable length leases in furnished units as an amenity to those tenants who may be in the Downtown area for work-related purposes, but for periods of uncertain length. As it is not practical for these tenants to enter into long-term leases, Onni provides a more flexible lease term option.

On or about June 14, 2017, the Department of Building and Safety (“LADBS”) issued Building Permit No. 17016-10000-04924 for the Project (the “Building Permit”). Since that time, Onni has rented some Project units on a short-term basis, appropriately registered the units with the City, and paid all required transient occupancy taxes, all in good faith reliance on the Building Permit and associated clearances from the Planning Department.

Nearly *nine months* later, with full knowledge that Onni had been renting units on a short-term basis for many months, two representatives of the local hotel workers union, Charles Carnow and Antonio Mendoza (the “Appellants”), filed an appeal of the Building Permit to LADBS initiating case number DBS-180033-DCP and seeking revocation of the Project’s certificate of occupancy and underlying Project planning approvals.<sup>1</sup>

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<sup>1</sup> Over the last few years, the hotel workers union has opposed numerous hotel and other projects in an effort to unionize workers and apparently is seeking to do so here based on the misguided notion that the Project is a hotel.

May Sirinopwongsagon  
Los Angeles Department of City Planning  
July 19, 2018  
Page 2

On May 3, 2018, LADBS issued its decision in DBS-180033-DCP denying the appeal and rejecting each of the Appellants' arguments. On May 24, 2018, Appellants filed an appeal of LADBS' decision to the Director of Planning (the "Appeal").

As discussed in detail below, the Appeal should be denied because (a) the Building Permit was properly issued, (b) Onni has a vested right to continue to lease the units on a short-term basis, (c) Onni did not make any false statements regarding the Project, and (d) the Appeal is not timely.

**I. LABDS Properly Issued the Building Permit.**

**A. Short-Term Rentals are Permitted By Right Under the Property's Zoning.**

The City considers the short-term rental portion of the Project to be a "transient occupancy residential structure."<sup>2</sup> Such uses are similar to hotel uses and are permitted in the same zones as hotels.<sup>3</sup>

The Property is zoned [Q]R5. Hotels are generally not permitted by right in the R5 zone. However, [Q] Condition No. 2, imposed under Ordinance No. 164,307, to the site's [Q]R5 zoning expressly allows hotel uses by right. This was confirmed in the February 27, 2014 Inter-Departmental Correspondence from Alan Bell and Lincoln Lee, which states that, under [Q] Condition No. 2, "hotels, motels and apartment hotels are ... permitted by right."

Before Onni applied for the Building Permit, we spoke with the Chief Zoning Administrator, who has the authority to interpret the Zoning Code and determine the uses permitted in the various zones<sup>4</sup>. In this case, the Chief Zoning Administrator determined that, like hotel uses, short-term rentals were permitted by right under the property's zoning. Therefore, the Planning Department properly provided all required clearances for the Building Permit.

**B. Issuance of the Building Permit was a Ministerial Act Not Subject to CEQA.**

Appellants assert that the short-term rental of some units in the Project triggered additional CEQA review. However, LADBS's issuance of the Building Permit was a ministerial

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<sup>2</sup> LAMC Section 12.03 defines transient occupancy residential structure as: "A residential building designed or used for one or more dwelling units or a combination of three or more dwelling units and not more than five guest rooms or suites of rooms wherein occupancy, by any person by reason of concession, permit, right of access, license, or other agreement is for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days."

<sup>3</sup> List No. 2 of Uses Permitted in Various Zones in the City of Los Angeles, October 21, 2016.

<sup>4</sup> See, e.g., LAMC Section 12.21(A).

May Sirinopwongsagon  
Los Angeles Department of City Planning  
July 19, 2018  
Page 3

act not subject to CEQA.<sup>5</sup> Moreover, as noted in Section IV below, the statute of limitations to challenge the Building Permit on CEQA grounds has run; therefore, Appellants' CEQA arguments are also time barred.

Moreover, the City already analyzed the environmental impacts of the Project in Mitigated Negative Declaration ENV-2008-2573 (the "MND"), and the time for challenging the MND has long since passed. While the MND did not consider the length of the lease term, this is an economic, rather than a CEQA issue. Therefore, no further CEQA review would be required, assuming for argument's sake, that the issuance of the Building Permits was discretionary instead of ministerial, and the statute of limitations had not run.

**C. The Project's Planning Approvals Do Not Prohibit Short-Term Rentals.**

Appellants allege that the Project's prior planning approvals prohibit short-term rentals. The Site Plan Review approval for the Project<sup>6</sup> permits ". . . the construction, use and maintenance of a maximum of 283 new dwelling units . . ." Regardless of the length of the lease term, each unit in the Project meets the LAMC's definition of a dwelling unit.<sup>7</sup> Moreover, there is no condition of approval that even mentions duration of lease term, much less prohibits short-term rentals.

**II. Onni Has a Vested Right to Continue to Rent Units in the Project on a Short-Term Basis.**

Appellants assert that a recent Planning Department staff report and the planning approvals sought by another project show that short-term rentals are not allowed under the Property's zoning. The staff report, which references the City's pending home sharing ordinance, includes general statements on unrelated matters, does not reference the Project, and has no legal force or effect on the Project.

Appellants further maintain that because another project in the general area is seeking a conditional use permit ("CUP") for short-term rentals, the Project must do so as well. It is unclear whether the two projects are truly comparable, and whether the applicant in the other case is seeking a CUP in an abundance of caution or because the City required one. If the later, this would represent a change in City policy from that in effect when the City issued the Building Permit. Onni has a vested right that would prohibit the application of such a policy change to the Project by virtue of its approved Vesting Tentative Tract Map<sup>8</sup>. Onni also has a vested right

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<sup>5</sup> See, e.g. *Thompson v. City of Lake Elsinore* (1993) 18 Cal.App.4th 49; CEQA Guidelines Section 15268.

<sup>6</sup> DIR 2008-2600-SPR.

<sup>7</sup> LAMC Section 12.03 defines a dwelling unit as: "A group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes." Each of the Project units has a kitchen.

<sup>8</sup> LAMC Section 17.15.

May Sirinopwongsagon  
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July 19, 2018  
Page 4

under applicable case law as it has incurred substantial expenditures in making improvements to the Project in good faith reliance on the valid Building Permit.<sup>9</sup>

### III. Onni Did Not Make False Statements Regarding the Project.

Appellants claim that Onni made false statements regarding the Project to LADBS. As discussed above, short-term rentals are permitted by right under the property's zoning, and no discretionary planning approvals were necessary for the Project to effectuate said use. Additionally, Onni timely sought and obtained all necessary building permits needed to properly construct and operate the Project. Appellants merely (and incorrectly) state that Onni's desire to effectuate the permitted use as part of the Project constitutes a false statement or misrepresentation. This does not make sense; however, as Onni's actions demonstrate a pattern and practice of clear forthright communication with LADBS, as evidenced by seeking and obtaining all necessary building permits in order to effectuate a by right use. Finally, Appellants fail to present any evidence as to an actual false statement or misrepresentation. Indeed, they cannot as *the Building Permit application clearly stated that it was for a change of use of some of apartments to transient occupancy residential use.*

### IV. The Appeal is Untimely.

As noted, LADBS issued the Building Permit on or about June 14, 2017. However, Appellants waited until March 2018 to file the LADBS Appeal under LAMC Section 98.0403.2. While this Section does not include an express time limit for filing an appeal, one is implied based on state law statutes of limitation.

Statutes of limitation apply to all land use approvals and building permits. In this case, there was a 90-day statute of limitation for challenges (other than those based on CEQA grounds) to the issuance of the Building Permit.<sup>10</sup> As no notice of exemption was filed, there was a 180-day statute of limitations for challenges based on CEQA grounds<sup>11</sup>. Because LADBS issued the Building Permit over a year ago, all applicable state law statutes of limitation have long since run.

The purpose of these statutes of limitation is to provide finality and certainty for property owners and governments. Allowing an appeal to be filed *after* all statutes of limitation would subvert the legislative intent to provide finality and certainty and eviscerate the state law statutes of limitation. As LAMC Section 98.0403.2 is a local ordinance, it cannot trump state law. Therefore, state law dictates that any appeal of the Building Permit be filed *before* the applicable

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<sup>9</sup> *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785.

<sup>10</sup> Government Code Section 65009(c)(1)(E); Code of Civil Procedure 1094.6

<sup>11</sup> Public Resources Code Section 21167(a).

ARMBRUSTER GOLDSMITH & DELVAC LLP

May Sirinopwongsagon  
Los Angeles Department of City Planning  
July 19, 2018  
Page 5

statutes of limitation have run. Because the Appeal was filed long after the statutes of limitation have run, the Appeal is untimely.

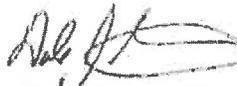
Appellants were aware that Onni was renting units in the Project since at least November 2017<sup>12</sup>. However, Appellants waited until March 7, 2018, to file the first appeal with LADBS. Therefore, both appeals are barred by laches, waiver, and estoppel and must be denied.<sup>13</sup>

#### IV. Conclusion.

For the foregoing reasons, we respectfully request that the Planning Director deny the Appeal. Please let us know if we can provide any additional information that you may require.

Thank you for your consideration.

Very truly yours,



Dale Goldsmith

cc: Onni Group

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<sup>12</sup> See, e.g., the letter from the hotel union's lawyer to Planning Director Vince Bertoni dated November 8, 2017, objecting to the short-term rentals that is attached to the Appeal.

<sup>13</sup> See, e.g. *Concerned Citizens of Palm Desert, Inc. v. Board of Supervisors* (1974) 38 Cal.App.3d 257, 265-266

## Exhibit C:

Examples conditions prohibiting conversion of extended stay hotels to residential uses. Cases cited are ZA-97-0768 (ZAI), page 3. See ZA-97-0945 (CUZ) (ZAI), page 19. See ZA-2002-4510, ZAI, page 4

required discretionary actions, the calculation of density, the construction and the type of fees and taxes. In this instance, the applicant anticipates filing for several discretionary actions with the Department of City Planning, including conditional use permit for a hotel within 500 feet of a residential zone corner commercial development.

#### Operational Characteristics

The hotel offers special amenities to business guests. A kitchen is provided to offer an alternative to dining out. The hotel has only guest rooms and does not provide other amenities such as a bar, restaurant, meeting rooms or banquet facilities.

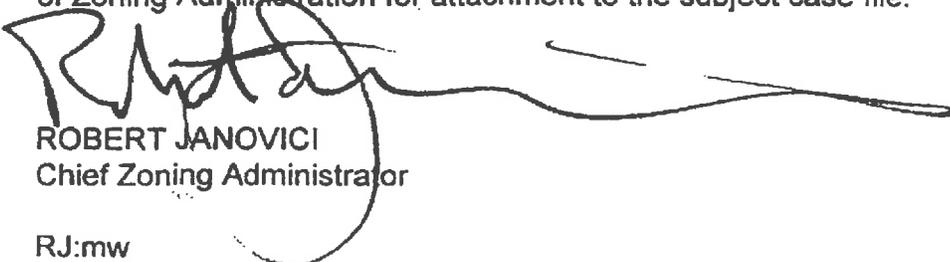
The guest is provided business specific services at a rate approximately 20% less than other hotels. Residence Inn Hotel by Marriott is able to provide these rates because they are not incurring costs associated with the additional amenities normally provided for vacationers.

#### Resolution

As noted, supra, over the course of years, Section 12.21-A,2 of the zoning regulations has been drawn upon to provide some rational result from application of various sections of the Code to an individual set of circumstances. This Section has also been interpreted to include authority to resolve conflicts between disparate narrative passages, to transcend unnecessary bureaucratic hurdles, and to provide logical results from sometimes arcane, esoteric, nuances obscured within the City's zoning regulations.

Under the circumstances of this particular situation, the proposed extended stay accommodations should be considered a hotel within the context of the City's zoning regulations. The City of Los Angeles codes were written before this trend was established and have not been updated to address this new type of hotel use. The applicant understands that there is a concern that this type of building could be converted to an apartment without the benefit of Planning Department or Building and Safety review. To eliminate this possibility, Residence Inn Hotel by Marriott must record a Covenant and Agreement to maintain and operate the proposed extended stay hotel as a commercial hotel only, and shall comply with all applicable City rules and regulations for commercial hotels.

Further, the proposed hotel shall not be converted nor operated as an apartment house or apartment hotel at any time. This agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Office of Zoning Administration for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the Office of Zoning Administration for attachment to the subject case file.



ROBERT JANOVICI  
Chief Zoning Administrator

RJ:mw

Based on the definition in the Municipal Code, the provided kitchen areas cannot be classified as a habitable room. The above findings should support the determination that these units are only guest rooms, and not dwelling units.

The hotel guest is also provided business specific services at a rate approximately less than other hotels. ESA is able to provide these rates because they are not incurring costs associated with the additional amenities normally provided for vacationers.

As noted, supra, over the course of years, Section 12.21-A,2 of the zoning regulations has been drawn upon to provide some rational result from application of various sections of the Code to an individual set of circumstances. This Section has also been interpreted to include authority to resolve conflicts between disparate narrative passages, to transcend unnecessary bureaucratic hurdles, and to provide logical results from sometimes arcane, esoteric, nuances obscured within the City's zoning regulations.

Under the circumstances of this particular situation, the proposed extended stay accommodations should be considered a hotel within the context of the City's zoning regulations. The City of Los Angeles codes were written before this marketing trend was established and have not been updated to address this new type of hotel use. The applicant understands that there is a concern that this type of building could be converted to an apartment without the benefit of Planning Department or Building and Safety review. To eliminate this possibility, ESA must maintain and operate the proposed extended stay hotel as a commercial hotel only, and shall comply with all applicable City rules and regulations for commercial hotels.

Further, the proposed hotel shall not be converted nor operated as an apartment house or apartment hotel at any time. This agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Office of Zoning Administration for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the Office of Zoning Administration for attachment to the subject case file.

#### **ADDITIONAL MANDATORY FINDINGS**

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)
7. On January 7, 1998, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. MND 97-0409(CUZ) (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby

certify that action. The records upon which this decision is based are with the Environmental Review Section in Room 1500, 221 North Figueroa Street.

8. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



ALBERT LANDINI  
Associate Zoning Administrator

AL:lmc

cc: Councilmember Ruth Galanter  
Sixth District  
Adjoining Property Owners  
County Assessor

The applicant will follow all conditions of approval imposed by the Zoning Administrator for development of this project. Several community meetings and a formal public hearing have been held on the various entitlements resulting in apparent community support. This project is intended to benefit business travelers and be a convenience to the community. The proposed project will not be detrimental to surrounding properties or the public welfare.

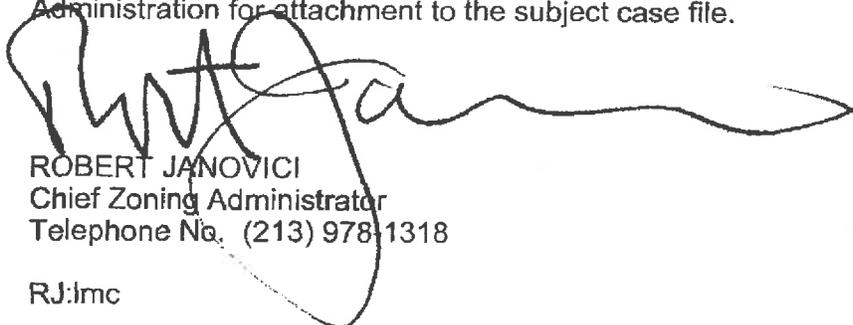
The guest is provided business specific services at a rate somewhat less than other hotels. ESA is able to provide these rates because they are not incurring costs associated with the additional amenities normally provided for vacationers.

#### Conclusion

As noted, supra, over the course of years, Section 12.21-A,2 of the zoning regulations has been drawn upon to provide some rational result from application of various sections of the Code to an individual set of circumstances. This Section has also been interpreted to include authority to resolve conflicts between disparate narrative passages, to transcend unnecessary bureaucratic hurdles, and to provide logical results from sometimes arcane, esoteric, nuances obscured within the City's zoning regulations.

Under the circumstances of this particular situation, the proposed extended stay accommodations should be considered a hotel within the context of the City's zoning regulations. The City of Los Angeles codes were written before this marketing trend was established and have not been updated to address this new type of hotel use. The applicant understands that there is a concern that this type of building could be converted to an apartment complex without the benefit of Planning Department or Building and Safety review. To eliminate this possibility, ESA must record a Covenant and Agreement to maintain and operate the proposed extended stay hotel as a commercial hotel only.

Further, the proposed hotel shall not be converted nor operated as an apartment house at any time. This agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Office of Zoning Administration for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the Office of Zoning Administration for attachment to the subject case file.



ROBERT JANOVICI  
Chief Zoning Administrator  
Telephone No. (213) 978-1318

RJ:lmc

cc: Councilmember Hal Berson  
Twelfth District

"...A recess from a room or an alcove (other than a dining area) having 50 square feet or more of floor area and so located that it could be partitioned off to form a habitable room, shall be considered a habitable room."

Based on the definition in the Municipal Code, the provided kitchen areas cannot be classified as a habitable room. The above facts support the determination that these units are hotel guestrooms, and not apartment dwelling units.

#### Discussion

The Department of Building and Safety has indicated that under the zoning regulations, a hotel room with a kitchenette is not a guest room but is considered an efficiency (residential) unit under the strict application of the Zoning Code. Under applicable City of Los Angeles regulations, efficiency units make up an apartment building not a hotel. The definitions that establish this interpretation are as follows:

Hotel - a residential building designed or used for or containing six or more guest rooms or suites of rooms, which may also contain not more than one dwelling unit.

Guest Room - is any habitable room except a kitchen, designed or used for occupancy by one or more persons and not in a dwelling unit.

Efficiency Room - located within an apartment house or apartment hotel used or intended to be used for residential purposes which has a kitchen and a living and sleeping quarters combined therein, and which complies with the requirements of Section 91.4930.2 of this Code.

The proposed project is not to function as an apartment building, as ESA is in the hotel business. There are differences between the hotels and apartments in the required discretionary actions, the calculation of density, the construction and the type of fees and taxes. In this instance, the applicant has filed for a separate discretionary action with the Department of City Planning, i.e., Zone Variance to permit a hotel in the MR2 and [Q]CM1 Zones and to construct a building higher than the Q Condition height limit of 35 feet. This has been given Case No. ZA 2002-4508(ZV) and was heard on December 20, 2002.

As noted, supra, the proposed project is for the development of a 117-room extended stay hotel project in Chatsworth. There is to be no on-site eating establishment or other amenities for hotel guests. All rooms, with exception of the manager's unit are efficiency studio units with a full bathroom and mini-kitchenette area.

The kitchenettes in each room are hospitality kitchen areas only. The guest rooms are all serviced with a single compartment sink, a two-burner cook top, and an under-the-counter mini-refrigerator. The appliances in these rooms provide hospitality conveniences only to business travelers. These are not full apartment kitchens which would typically include the following additional conveniences: full 4-burner stove top range and oven, full size refrigerator, garbage disposal, and dishwasher. As a result, this kitchen area should not be classified as a full dwelling unit kitchen, but rather a small hospitality area in a hotel guest room.

Based on the definition in the Municipal Code, the provided kitchen areas cannot be classified as a habitable room. The above findings support the determination that these units are only guest rooms, and not dwelling units.

## Exhibit D:

Example conditions limiting lease terms. Cases cited are ZA-98-0610 (CUZ) page 4, banning lease terms for extended stay hotel of more than 30 days and ZA 2004-4607(CU) page 2, banning lease terms for less than 30 days for a residential hotel intended for longer term tenants.

the trees are planted so as to shade a surface parking area. An automatic sprinkler system shall be installed to water the trees.

21. All lighting shall be shielded and directed onto the site. No floodlighting shall be located so as to shine directly onto any adjacent residential property. This condition shall not preclude the installation of low-level security lighting.
22. A responsible adult shall be on site at all times and shall be responsible for maintaining the site, discouraging illegal activities on the site and enforcing the subject conditions.
23. Garage floors and ramps shall be constructed with textured surfaces to minimize tire squeal noises.
24. Four public telephones are allowed on the subject property. Said phones shall be located at the check-in counter where their use can be monitored can be monitored by employees of the establishment.
25. A parking area and driveway plan shall be prepared to the satisfaction of the Planning Department, District Office of the Bureau of Engineering and Department of Transportation and a copy shall be submitted to the Planning Department for placement in the subject file.
26. Guest registration cards must contain the names, addresses, valid identification and vehicle information, if applicable, of all occupants of a guest room.
27. All registration cards shall be maintained for at least one year.
28. All identification information from registration cards shall be provided as requested by the Planning Department or Police Department.
29. All rooms shall be rented for minimum periods of 24 hours. A room may be rented only once in a 24-hour period.
30. Rooms shall not be rented to an individual or set of individuals for a period in excess of 30 consecutive days.
31. The applicant shall be responsible for discouraging loitering in and around the subject property.
32. All signs shall be of an identifying nature only and shall be arranged and located so as not to be a distraction to vehicular traffic or adjacent residential areas and to minimize visibility from a freeway in accordance with Section 91.6201 of the Los Angeles Municipal Code. Flashing and animated signs are prohibited. The three billboards now on-site shall be removed, prior to issuance of a final

allowable units at a rate of one per 600 square feet of land area as though the project were being built as an apartment building. In no case shall the number of guest units/suites exceed 142.

9. Parking shall be calculated for the approximately 142 unit motel at either the rate for hotels, motels, or an apartment building the greater of the rates shall be applied to insure maximum required parking, but in no case shall there be less than 142 parking spaces provided on site.
10. All of the units may contain kitchens, wet bars, or micro wave areas and be considered "extended stay" units.
11. All guests must guarantee the room with a major credit card.
12. The facility shall not be used as a SRO or long term residency hotel.
13. The project shall comply with the requirements of the Hollywood Redevelopment Plan - if the subject location so dictates - to the satisfaction of the Director of Planning and the Director of the Community Redevelopment Agency prior to the issuance of any grading and or building permits.
14. No selling or serving of alcoholic beverages is permitted on the subject property.
15. There shall be no balconies which have a line of sight to the church located to the west of subject site or any nearby residential properties.
16. The project shall meet all yard requirements of the R4 and R5 Zones.
17. Before being allowed to register, a guest shall be required to show a valid photo identification.
18. The facility manager shall require valid identification from all individuals entering any guest room and shall record the same information on registration cards for the room.
19. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, to the satisfaction of the Planning Department.
20. At least one 24-inch box shade tree shall be planted for every four uncovered, unroofed surface parking spaces. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by curbing or other suitable measures, to the satisfaction of the Planning Department. The shade trees may be planted along the periphery of a parking area provided that

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The guest rooms shall be rented on a month-to-month basis for not less than 30 days.
7. Guest rooms shall not include kitchens, only cooking appliances as allowed for "light housekeeping rooms" per the Los Angeles Building Code.
8. The residential hotel shall contain no meeting rooms, recreation centers, or health clubs.
9. The studio area of each of the joint living and work quarters units shall be operated by the resident(s) of the subject dwelling units.
10. The authorized use (joint living and work quarters units) shall be of no force and effect unless and until satisfactory evidence is presented to the Zoning Administrator for review and attachment to the file that a business tax registration certificate has been issued to each tenant by the Office of Finance pursuant to Los Angeles Administrative Code Section 21.03 permitting those persons to engage in business as artists or artisans.
11. Tenants of the two joint living and work quarters units shall be restricted to artists/artisans who both live and produce work on the site.
12. Leases for the joint living and work quarters units shall contain a provision prohibiting any use which results in any noise, vibrations or odors beyond the unit, and shall contain the following conditions:
  - a. Production Techniques. The creating, assembling, compounding or treating of articles shall be accomplished by hand, or to the extent practical for a particular artifact. Mass produced parts may be used only if incidental to the basic artifact. In those production techniques which necessitate the use of a kiln, the total volume of kiln space shall not exceed 24 cubic feet and no individual kiln shall exceed eight cubic feet. Power tools shall be limited to electrically operated motors of not more than one horse power.
  - b. Location of Equipment. The machinery and equipment shall be so installed and maintained, and the activity shall be so conducted, that noise, smoke, dust, odor and all other objectionable factors shall be confined or reduced to the extent that no annoyance or injury will result to persons residing in the vicinity.

Exhibit E:

Letter of Decision on 1000 S Hill St, Issued 9/6/18.

DEPARTMENT OF  
CITY PLANNING

CITY PLANNING COMMISSION

SAMANTHA MILLMAN  
PRESIDENT

VAHID KHORSAND  
VICE-PRESIDENT

DAVID H. J. AMBROZ  
CAROLINE CHOE

RENEE DAKE WILSON  
KAREN MACK  
MARC MITCHELL  
VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN

ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

EXECUTIVE OFFICES  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

<http://planning.lacity.org>

Decision Date: September 6, 2018

Last Day to Appeal: September 17, 2018

Onni Capital LLC (O)(A)  
315 W. 9th Street, Suite 801  
Los Angeles, CA 90015

Matt Dzurec (R)  
Armbruster Goldsmith & Delvac LLP  
12100 Wilshire Blvd, Suite 1600  
Los Angeles, CA 90025

RE: Vesting Tentative Tract No. VTT-74760  
Related Case: CPC-2016-4710-TDR-MCUP-  
SPR  
Address: 1000 S. Hill Street (1000-1034 S. Hill  
Street, 220-226 W. Olympic Boulevard)  
Community Plan: Central City  
Zone: [Q]R5-4D-O  
District Map: 126A209  
Council District: 14 - Huizar  
CEQA No.: ENV-2016-4711-MND  
Legal Description: Lots 9, 10, and 12-15 of E.H.  
Workman Tract; Lot A of Tract No. 1814

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03, the Advisory Agency adopted Mitigated Negative Declaration ENV-2016-4711-MND as the environmental clearance, adopted the Mitigation Monitoring Program, and approved Vesting Tentative Tract No. 74760 to permit the merger and resubdivision of seven lots into one lot for residential and commercial condominium purposes, located at 1000 South Hill Street for a maximum of 700 residential units and 15,000 square feet of commercial space, as shown on map stamp-dated December 15, 2017, in the Central City Community Plan. (Verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property.) The Advisory Agency's approval is subject to the following conditions:

**Note on clearing conditions:** When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. That a 21-foot wide strip of land be dedicated along Olympic Boulevard adjoining the subdivision to complete a 51-foot wide half public street right-of-way in accordance with Modified Avenue I of LA Mobility Standards and per Downtown Street Standards. A 15-foot by 15-foot property line cut corner or a 20-foot radius property line return also shall be dedicated at the intersection with Hill Street adjoining the tract. Additional an 8-foot wide average public sidewalk easement shall be provided adjoining the above dedication.
2. That a 2-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley dedication.

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

3. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall comply with any requirements with the Department of Building and Safety, Grading Division for the recordation of the final map and issuance of any permit.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

4. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division, shall issue a clearance letter stating that no Building or Zoning Code violations existing relating to the subdivision on the subject site once the following items have been satisfied:
  - a. Provide a copy of CPC cases CPC-2016-4710-TDR-MCUP-SPR. Show compliance with all the conditions/requirements of the CPC cases as applicable.
  - b. Provide a copy of affidavits AFF-6849 and AFF-4236. Show compliance with all the conditions/requirements of the above affidavits as applicable. Termination of above affidavit may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
  - c. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

**Notes:**

The proposed project site is within the Greater Downtown Housing Incentive Area.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was

deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

#### **DEPARTMENT OF TRANSPORTATION**

5. That the project be subject to any recommendations from the Department of Transportation.

#### **FIRE DEPARTMENT**

6. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
  - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
  - b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - c. One or more Knox Boxes will be required to be installed for LAFD access to project.
  - d. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - e. The entrance to a Residence lobby must be within 50 feet of the desired street address curb face.
  - f. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
  - g. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - h. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - i. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

- j. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)
- i. When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
  - ii. It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
  - iii. This policy does not apply to single-family dwellings or to non-residential buildings.
- k. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend onto the roof.
- l. Entrance to the main lobby shall be located off the address side of the building.
- m. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- n. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- o. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
- p. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- q. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full

FAA-approved helicopter landing facilities.

- r. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6509. You should advise any consultant representing you of this requirement as well.

#### **DEPARTMENT OF WATER AND POWER**

7. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with the following conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering:
  - a. Prior to receiving water service the developer must arrange for the Department to install the following: fire hydrants.
  - b. Pressure regulators will be required in accordance with the Los Angeles City Plumbing Code for the following lot(s) where pressures exceed 80 psi at the building pad elevation: High 90 PSI, Low 73 PSI
  - c. Existing water mains are located in or adjacent to this tract as follows: 12" water main in Hill Street, 24" water main in Olympic Boulevard.
  - d. New fire hydrants and/or top upgrades to existing fire hydrants are required in accordance with the Los Angeles Fire Code. Install one (1) 2-1/2" x 4" D.F.H. on the east side of Hill Street, approximately 300' SS Olympic Blvd.

#### **BUREAU OF STREET LIGHTING – SPECIFIC CONDITIONS**

8. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

#### **BUREAU OF SANITATION**

9. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

#### **DEPARTMENT OF RECREATION AND PARKS**

10. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

**DEPARTMENT OF CITY PLANNING – SITE SPECIFIC CONDITIONS**

11. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- a. Limit the proposed development to a maximum of 700 residential units and 15,000 square feet of commercial floor area.
  - b. Pursuant to LAMC Section 12.21 A.4(p)(1), provide a minimum of one off-street parking space per dwelling unit having three habitable rooms or fewer, and provide a minimum of 1.25 parking spaces per dwelling unit having more than three habitable rooms. Notwithstanding the above, the applicant may elect to reduce parking using the bicycle replacement provisions of LAMC Section 12.21 A.4.
  - c. Pursuant to LAMC Section 12.21 A.4(i)(2)(3), provide a minimum of one off-street parking space per 1,000 square feet of commercial floor area.
  - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - e. That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
  - g. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant

- from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

12. That prior to the issuance of the building permit or the recordation of the final map, a copy of Case No. CPC-2016-4710-TDR-MCUP-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. CPC-2016-4710-TDR-MCUP-SPR is not approved, the subdivider shall submit a tract modification.

#### **DEPARTMENT OF CITY PLANNING - ENVIRONMENTAL MITIGATION MEASURES**

13. That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation **Condition No. 14 and 15** of the

Tract's approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

14. Prior to the recordation of the final map, the subdivider will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

MM-1. Increased Noise Levels (Parking Structure Ramps)

Concrete, not metal, shall be used for construction of parking ramps. The interior ramps shall be textured to prevent tire squeal at turning areas.

MM-2. 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.

MM-3. Transportation Demand Management Plan and Monitoring Program

The Applicant shall prepare and submit a Transportation Demand Management (TDM) Plan to the Department of Transportation prior to the issuance of the first building permit for the Project. A final TDM Plan shall be submitted and approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the Project. The TDM Plan shall include strategies, as determined to be appropriate by the Department of Transportation, that would have a minimum fifteen (15) percent effectiveness in reducing new vehicle trips. TDM program elements should include, but not be limited to, the strategies listed in Mitigation Measure T-1 and the following:

- Site Design – The site will be designed to encourage walking, biking, and transit. Amenities would include:
  - New sidewalks and street trees along the perimeter
  - Improved street and pedestrian lighting.
- Unbundled Parking – Unbundling parking typically separates the cost of purchasing or renting parking spaces from the cost of the purchasing or renting a dwelling unit. Saving money on a dwelling unit by forgoing a parking space acts as an incentive that minimizes auto ownership.

Similarly, paying for parking (by purchasing or leasing a space) acts as a disincentive that discourages auto ownership and trip-making.

- **Bicycle Parking** – As described in Chapter 7, the Project will provide both long term and short-term bicycle parking. In addition, the Project could provide complementary amenities such as a self-service bike repair area.

A Monitoring Program shall be prepared to provide continued monitoring of the TDM Plan's effectiveness. The Monitoring Program shall be prepared by a licensed Transportation Engineer and be submitted to the Department of Transportation for review. The Monitoring Program shall continue until such time that the Project has shown, for three consecutive years, at a minimum of 85 percent occupancy, a minimum fifteen (15) percent effectiveness in reducing new vehicle trips through implementation of the TDM Plan. Should the review show that the trip reductions have not been met, the Project shall have one year to attain compliance or be subject to a penalty program.

15. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

CM-1. Habitat Modification (Nesting Native Birds)

Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:

- Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.

- Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

CM-2. Soil Management Plan

Due to the historic UST removed from 1022 S. Hill Street, when mass excavation/grading is to be conducted at this portion of the Project Site, proper soil management protocols would need to be followed in the event that petroleum hydrocarbon impacted soil is encountered and displaced.

Construction and grading activities on-site shall implement a Soil Management Plan to the satisfaction of the Los Angeles Fire Department and the Department of Building and Safety.

CM-3. Increased Noise Levels (Demolition, Grading, and Construction Activities)

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.

CM-4. Increased Noise Levels (Demolition, Grading, and Construction Activities)

To the maximum extent practical, demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-5. Increased Noise Levels (Demolition, Grading, and Construction Activities)

The project contractor shall use power construction equipment with noise shielding and muffling devices.

CM-6. Increased Noise Levels (Demolition, Grading, and Construction Activities)

The project contractor shall erect a temporary noise-attenuating sound barrier along the perimeter of the Project Site. The sound wall shall be a minimum of 8 feet in height to block the line-of-site of construction equipment and off site receptors at the ground level. The sound barrier shall include ¾ inch plywood or other sound absorbing material capable of achieving a 5-dBA reduction in sound level.

CM-7. Increased Noise Levels (Demolition, Grading, and Construction Activities)

During structural framing, the project contractor shall utilize temporary portable acoustic barriers, partitions, or acoustic blankets to effectively block the line-of-sight between noise producing equipment and the adjacent residential land uses for purposes of ensuring noise levels at the adjacent residential land uses does not exceed 5 dBA over the ambient noise levels.

CM-8. Increased Noise Levels (Demolition, Grading, and Construction Activities)

An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours of their receipt.

CM-9. Temporary Groundborne Vibration Impacts

All new construction work shall be performed so as not to adversely affect the structural integrity of the adjacent buildings. Prior to commencement of construction, the applicant shall retain a qualified structural engineer to survey the existing foundations and structures of the adjacent buildings, and provide a plan to protect them from potential damage. The performance standards of the structure monitoring plan shall including 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 buildings. A registered structural engineer 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 adjacent structures 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.
- In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant and, if warranted, in a manner that meets the Secretary of the Interior's Standards.
- The structure monitoring program and initial survey documentation shall be submitted to the Department of Building and Safety and received into the case file for the associated discretionary action permitting the project prior to construction.

CM-10. Public Services (Police – Demolition/Construction Sites)

Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

CM-11. Compliance with LADOT

The Applicant shall implement the project requirements detailed in DOT's communication to the Planning Department (DOT Case No. CEN 17-45630 dated July 12, 2017, attached) and as listed below.

*Construction Impacts*

DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should 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. DOT also recommends that construction related traffic be restricted to off-peak hours to the extent possible.

*Transportation Demand Management (TDM) Program*

A final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program should include, but not be limited to the following strategies:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- Administrative support for the formation of carpools/vanpools;
- Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
- Establish bike and walk to work promotions;
- Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- Coupled with the unbundled parking, provide on-site car share amenities for residents;
- Guaranteed ride home program;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Coordinate with DOT to determine if the project location is eligible for a future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
- Provide on-site transit routing and schedule information;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Provide rideshare matching services;
- Preferential rideshare loading/unloading or parking location;

- Contribute a one-time fixed fee contribution of \$50,000 to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.

#### *Highway Dedication and Street Widening Requirements*

The applicant should check with Bureau of Engineering's Land Development Group to determine the specific highway dedication, street widening and/or sidewalk requirements for this project.

#### *Parking Requirements*

The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

#### *Driveway Access and Circulation*

The traffic study indicates that two proposed driveways will provide access to the building's underground parking, including shared access for residents and retail and restaurant customers. The conceptual site plan for the project illustrated in Attachment 3 is acceptable to DOT. However, the review of this study does not constitute approval of the driveway dimensions, access and circulation scheme. Those require separate review and approval and should be coordinated with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4<sup>th</sup> Floor, Station 3, @ 213-482-7024). In order to minimize and prevent last minute building design changes, the applicant should contact DOT, prior to the commencement of building or parking layout design efforts, for driveway width and internal circulation requirements. New driveways should be Case 2 - designed with a recommended width of 30 feet for two-way operations or 16 feet for one-way operations. Delivery truck loading and unloading should take place on site with no vehicles having to back into the project via the proposed project driveways on any adjacent street. However, the truck loading dock off of the alley (Blackstone Court) is acceptable.

#### *Development Review Fees*

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council in 2009 and updated in 2014. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

#### CM-12. Construction Management Plan

The following will be implemented prior to construction:

- As traffic lane, parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.

- Ensure that access will remain unobstructed for land uses in proximity to the project site during project construction.
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.

CM-13. Tribal Cultural Resources

In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long

as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.

- g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract comply with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided

property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
  - (d) All improvements within public streets, private streets, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
  - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting. Construct new pedestrian lights: two (2) on Olympic Boulevard and five (5) on Hill Street. If street widening per BOE improvement conditions, relocate and upgrade street lights; three (3) on Hill Street and one (1) on Olympic Boulevard.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-

- 3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.
- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.
  - (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
  - (f) Construct access ramps for the handicapped as required by the City Engineer.
  - (g) Close any unused driveways satisfactory to the City Engineer.
  - (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
  - (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
    - a. Improve Olympic Boulevard being dedicated and adjoining the subdivision by the construction of the following:
      - (1) A concrete curb, a concrete gutter, and a 15-foot full-width concrete sidewalk with tree wells.
      - (2) Suitable surfacing to join the existing pavements and to complete 36-foot half roadway.
      - (3) Any necessary removal and reconstruction of existing improvements.
      - (4) The necessary transitions to join the existing improvement.
    - b. Improve the alley being dedicated and adjoining the tract by construction of new surfacing to provide an 18-foot wide alley with longitudinal gutter located at the 10-foot half ally measured from the new tract boundary after the alley dedication including a construction of a new alley intersection with Olympic Boulevard including any necessary removal and reconstruction of existing improvements and necessary transition including the drainage to join the existing alley improvements all satisfactory to the City Engineer:

**NOTES:**

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units. This vesting map does not constitute approval of any variations from the Los Angeles Municipal Code (LAMC), unless approved specifically for this project under separate conditions.

Any removal of the existing street trees shall require Board of Public Works approval.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the LAMC.

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

#### **FINDINGS OF FACT (CEQA)**

The project was issued Mitigated Negative Declaration ENV-2016-4711-MND on April 12, 2018. Potential negative impacts could occur from the project's implementation due to:

- Biological Resources
- Hazards and Hazardous Materials
- Noise
- Public Services
- Transportation
- Tribal Cultural Resources

The Deputy Advisory Agency, adopts Mitigated Negative Declaration No. ENV-2016-4711-MND and finds that it reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition No. 14 and 15 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.), which are specifically intended to mitigate such potential impacts on all projects.

In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition Nos. 14 and 15.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

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

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

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

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the project site. The project site is located within the Central City Community Plan, which designates the site with a High Density Residential land use designation. The land use designation lists the R5 Zone as the corresponding zones. The Project Site is zoned [Q]R5-4D-O, which is consistent with the land use designation. The project site has approximately 50,611 gross square feet of lot area and is located within the Greater Downtown Housing Incentive Area. The site is not subject to any density restrictions but is limited to a FAR of 6:1 per the "D" Limitations contained in Ordinance No. 164307 (SA2645). The project is seeking a Transfer of Floor Area Rights (TFAR) for the approximate amount of 354,277 square feet of floor area to the Project site, permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area.

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

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

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

permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area.

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

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

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

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

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

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

The adjacent property to the north, across Olympic Boulevard, is zoned [Q]R5-4D and developed with a vacant one-story mini-shopping center. The adjoining property to the south is zoned [Q]R5-4D and developed with the Mayan Theater. The adjacent properties to the east, across the public alley, are zoned C2-4D-O-SN and developed with one-story

commercial buildings and a 12-story commercial office building. The adjacent properties to the west, across Hill Street, are zoned [Q]R5-4D-O and developed with a commercial corner building and a surface parking lot. The site is located approximately 3,500 feet (0.7 miles) from Interstate 110 to the west and Interstate 10 to the east.

The project entails the construction of a 60-story mixed-use building (760 feet in height) with 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail space. The project site has approximately 50,611 square feet of gross lot area and is located within the Greater Downtown Housing Incentive Area. The site is not subject to any density restrictions but is limited to a FAR of 6:1 per the "D" Limitations contained in Ordinance No. 164307 (SA2645). The project is seeking a Transfer of Floor Area Rights (TFAR) under incidental Case No. CPC-2016-4710-TDR-MCUP-SPR for the approximate amount of 354,277 square feet of floor area to the Project site, permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area. Additionally, prior to the issuance of a demolition, grading, or building permit, the project would be required to comply with conditions herein and applicable requirements of the LAMC. As conditioned the proposed tract map is physically suitable for the proposed density of the development.

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

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

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

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

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

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

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

property within the proposed subdivision, as identified on the tract map. Necessary easements for utilities will be acquired by the City prior to the recordation of the proposed parcel map.

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

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

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

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

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

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

VINCENT P. BERTONI, AICP  
Advisory Agency



KEVIN S. GOLDEN  
Deputy Advisory Agency



JANE J. CHOI, AICP  
Senior City Planner

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission or Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices:

*Downtown Office  
Figueroa Plaza  
201 North Figueroa Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077*

*Valley Office  
6262 Van Nuys Boulevard, Suite 251  
Van Nuys, CA 91401  
(818) 374-5050*

*West Los Angeles Office  
1828 Sawtelle Boulevard, 2<sup>nd</sup> Floor  
Los Angeles, CA 90025  
(310) 231-2598*

Forms are also available on-line at <http://planning.lacity.org>

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90<sup>th</sup> day following the date on which the City's decision becomes final.

**Exhibit C – Appeal Application**  
**Laborer’s International Union of North**  
**America, Local 300**



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission, City Planning Commission, City Council, Director of Planning

Regarding Case Number: VTT No. 74760

Project Address: 1000 S. Hill Street (1000-1034 S. Hill Street, 220-226 W. Olympic Boulevard)

Final Date to Appeal: September 17, 2018

- Type of Appeal: Appeal by Applicant/Owner, Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved, Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Laborer's International Union of North America, Local 300

Company: Laborer's International Union of North America, Local 300

Mailing Address: 2005 W. Pico Blvd.

City: Los Angeles State: CA Zip: 90006

Telephone: 510-836-4200 E-mail: doug@lozeaudrury.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self, Other:

- Is the appeal being filed to support the original applicant's position? Yes, No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Douglas Chermak

Company: Lozeau Drury LLP

Mailing Address: 410 12th Street, Suite 250

City: Oakland State: CA Zip: 94607

Telephone: 510-836-4200 E-mail: doug@lozeaudrury.com

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part  
 Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: All Conditions

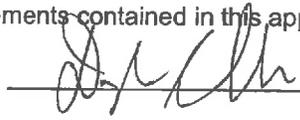
Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: \_\_\_\_\_



Date: \_\_\_\_\_

9/14/18

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>489.00</u>	Reviewed & Accepted by (DSC Planner): <u>F. LEIWA</u>	Date: <u>9/17/2018</u>
Receipt No: <u>0101943487</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

## **Justification/Reason for Appeal**

Olympic and Hill Project

Vesting Tentative Tract Map No. VTT-74760

1000 S. Hill Street (1000-1034 S. Hill Street, 220-226 W. Olympic Boulevard) (Project Site)

**REASON FOR THE APPEAL:** The Mitigated Negative Declaration (MND) prepared for the Olympic and Hill Project (CEQA No. ENV-2016-4711-MND) ("Project") fails to comply with the California Environmental Quality Act (CEQA).

**SPECIFICALLY THE POINTS IN ISSUE:** The MND fails to adequately analyze environmental impacts of the Project, fails to adequately describe the environmental setting of the Project, and fails to propose all feasible mitigation measures and alternatives to reduce Project impacts. Specifically, the MND found potentially significant impacts in the following categories: biological resources, hazards and hazardous materials, noise, public services, transportation and traffic, and tribal cultural resources. It also found potentially significant impacts for one of the mandatory findings of significance required by CEQA. Appellant also believes the Project will have significant air quality impacts as well as greenhouse gas impacts. These potentially significant impacts must be analyzed in an EIR.

**HOW YOU ARE AGGREIVED BY THE DECISION:** Members of appellants Laborers International Union of North America (LIUNA) Local 300 live in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated. Construction workers, such as the members of LIUNA Local 300, will be directly affected by soil contamination, improperly controlled construction equipment, and other risks during Project construction.

**WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION:** The Advisory Agency approved the MND, the Mitigation Monitoring Program, and the Vesting Tentative Tract No. 74760 for the Project despite the fact that the MND fails to comply with CEQA.

DEPARTMENT OF  
CITY PLANNING

CITY PLANNING COMMISSION

SAMANTHA MILLMAN  
PRESIDENT

VAHID KHORSAND  
VICE-PRESIDENT

DAVID H. J. AMBROZ  
CAROLINE CHOE

RENEE DAKE WILSON

KAREN MACK  
MARC MITCHELL  
VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN

ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

EXECUTIVE OFFICES  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

<http://planning.lacity.org>

Decision Date: September 6, 2018

Last Day to Appeal: September 17, 2018

Onni Capital LLC (O)(A)  
315 W. 9th Street, Suite 801  
Los Angeles, CA 90015

Matt Dzurec (R)  
Armbruster Goldsmith & Delvac LLP  
12100 Wilshire Blvd, Suite 1600  
Los Angeles, CA 90025

RE: Vesting Tentative Tract No. VTT-74760  
Related Case: CPC-2016-4710-TDR-MCUP-  
SPR  
Address: 1000 S. Hill Street (1000-1034 S. Hill  
Street, 220-226 W. Olympic Boulevard)  
Community Plan: Central City  
Zone: [QJR5-4D-O  
District Map: 126A209  
Council District: 14 - Huizar  
CEQA No.: ENV-2016-4711-MND  
Legal Description: Lots 9, 10, and 12-15 of E.H.  
Workman Tract; Lot A of Tract No. 1814

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03, the Advisory Agency adopted Mitigated Negative Declaration ENV-2016-4711-MND as the environmental clearance, adopted the Mitigation Monitoring Program, and approved Vesting Tentative Tract No. 74760 to permit the merger and resubdivision of seven lots into one lot for residential and commercial condominium purposes, located at 1000 South Hill Street for a maximum of 700 residential units and 15,000 square feet of commercial space, as shown on map stamp-dated December 15, 2017, in the Central City Community Plan. (Verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property.) The Advisory Agency's approval is subject to the following conditions:

**Note on clearing conditions:** When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. That a 21-foot wide strip of land be dedicated along Olympic Boulevard adjoining the subdivision to complete a 51-foot wide half public street right-of-way in accordance with Modified Avenue I of LA Mobility Standards and per Downtown Street Standards. A 15-foot by 15-foot property line cut corner or a 20-foot radius property line return also shall be dedicated at the intersection with Hill Street adjoining the tract. Additional an 8-foot wide average public sidewalk easement shall be provided adjoining the above dedication.
2. That a 2-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley dedication.

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

3. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall comply with any requirements with the Department of Building and Safety, Grading Division for the recordation of the final map and issuance of any permit.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

4. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division, shall issue a clearance letter stating that no Building or Zoning Code violations existing relating to the subdivision on the subject site once the following items have been satisfied:
  - a. Provide a copy of CPC cases CPC-2016-4710-TDR-MCUP-SPR. Show compliance with all the conditions/requirements of the CPC cases as applicable.
  - b. Provide a copy of affidavits AFF-6849 and AFF-4236. Show compliance with all the conditions/requirements of the above affidavits as applicable. Termination of above affidavit may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
  - c. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

**Notes:**

The proposed project site is within the Greater Downtown Housing Incentive Area.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was

deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

#### DEPARTMENT OF TRANSPORTATION

5. That the project be subject to any recommendations from the Department of Transportation.

#### FIRE DEPARTMENT

6. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
  - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
  - b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - c. One or more Knox Boxes will be required to be installed for LAFD access to project.
  - d. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - e. The entrance to a Residence lobby must be within 50 feet of the desired street address curb face.
  - f. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
  - g. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - h. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - i. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

- j. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)
- i. When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
  - ii. It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
  - iii. This policy does not apply to single-family dwellings or to non-residential buildings.
- k. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend onto the roof.
- l. Entrance to the main lobby shall be located off the address side of the building.
- m. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- n. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- o. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
- p. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- q. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full

FAA-approved helicopter landing facilities.

- r. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6509. You should advise any consultant representing you of this requirement as well.

#### **DEPARTMENT OF WATER AND POWER**

7. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with the following conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering:
  - a. Prior to receiving water service the developer must arrange for the Department to install the following: fire hydrants.
  - b. Pressure regulators will be required in accordance with the Los Angeles City Plumbing Code for the following lot(s) where pressures exceed 80 psi at the building pad elevation: High 90 PSI, Low 73 PSI
  - c. Existing water mains are located in or adjacent to this tract as follows: 12" water main in Hill Street, 24" water main in Olympic Boulevard.
  - d. New fire hydrants and/or top upgrades to existing fire hydrants are required in accordance with the Los Angeles Fire Code. Install one (1) 2-1/2" x 4" D.F.H. on the east side of Hill Street, approximately 300' SS Olympic Blvd.

#### **BUREAU OF STREET LIGHTING – SPECIFIC CONDITIONS**

8. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

#### **BUREAU OF SANITATION**

9. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

#### **DEPARTMENT OF RECREATION AND PARKS**

10. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

**DEPARTMENT OF CITY PLANNING – SITE SPECIFIC CONDITIONS**

11. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- a. Limit the proposed development to a maximum of 700 residential units and 15,000 square feet of commercial floor area.
  - b. Pursuant to LAMC Section 12.21 A.4(p)(1), provide a minimum of one off-street parking space per dwelling unit having three habitable rooms or fewer, and provide a minimum of 1.25 parking spaces per dwelling unit having more than three habitable rooms. Notwithstanding the above, the applicant may elect to reduce parking using the bicycle replacement provisions of LAMC Section 12.21 A.4.
  - c. Pursuant to LAMC Section 12.21 A.4(i)(2)(3), provide a minimum of one off-street parking space per 1,000 square feet of commercial floor area.
  - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - e. That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
  - g. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant

- from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

12. That prior to the issuance of the building permit or the recordation of the final map, a copy of Case No. CPC-2016-4710-TDR-MCUP-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. CPC-2016-4710-TDR-MCUP-SPR is not approved, the subdivider shall submit a tract modification.

#### **DEPARTMENT OF CITY PLANNING - ENVIRONMENTAL MITIGATION MEASURES**

13. That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation **Condition No. 14 and 15** of the

Tract's approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

14. Prior to the recordation of the final map, the subdivider will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

MM-1. Increased Noise Levels (Parking Structure Ramps)

Concrete, not metal, shall be used for construction of parking ramps. The interior ramps shall be textured to prevent tire squeal at turning areas.

MM-2. 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.

MM-3. Transportation Demand Management Plan and Monitoring Program

The Applicant shall prepare and submit a Transportation Demand Management (TDM) Plan to the Department of Transportation prior to the issuance of the first building permit for the Project. A final TDM Plan shall be submitted and approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the Project. The TDM Plan shall include strategies, as determined to be appropriate by the Department of Transportation, that would have a minimum fifteen (15) percent effectiveness in reducing new vehicle trips. TDM program elements should include, but not be limited to, the strategies listed in Mitigation Measure T-1 and the following:

- Site Design – The site will be designed to encourage walking, biking, and transit. Amenities would include:
  - New sidewalks and street trees along the perimeter
  - Improved street and pedestrian lighting.
- Unbundled Parking – Unbundling parking typically separates the cost of purchasing or renting parking spaces from the cost of the purchasing or renting a dwelling unit. Saving money on a dwelling unit by forgoing a parking space acts as an incentive that minimizes auto ownership.

Similarly, paying for parking (by purchasing or leasing a space) acts as a disincentive that discourages auto ownership and trip-making.

- **Bicycle Parking** – As described in Chapter 7, the Project will provide both long term and short-term bicycle parking. In addition, the Project could provide complementary amenities such as a self-service bike repair area.

A Monitoring Program shall be prepared to provide continued monitoring of the TDM Plan's effectiveness. The Monitoring Program shall be prepared by a licensed Transportation Engineer and be submitted to the Department of Transportation for review. The Monitoring Program shall continue until such time that the Project has shown, for three consecutive years, at a minimum of 85 percent occupancy, a minimum fifteen (15) percent effectiveness in reducing new vehicle trips through implementation of the TDM Plan. Should the review show that the trip reductions have not been met, the Project shall have one year to attain compliance or be subject to a penalty program.

15. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

CM-1. Habitat Modification (Nesting Native Birds)

Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:

- Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.

- Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

CM-2. Soil Management Plan

Due to the historic UST removed from 1022 S. Hill Street, when mass excavation/grading is to be conducted at this portion of the Project Site, proper soil management protocols would need to be followed in the event that petroleum hydrocarbon impacted soil is encountered and displaced.

Construction and grading activities on-site shall implement a Soil Management Plan to the satisfaction of the Los Angeles Fire Department and the Department of Building and Safety.

CM-3. Increased Noise Levels (Demolition, Grading, and Construction Activities)

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.

CM-4. Increased Noise Levels (Demolition, Grading, and Construction Activities)

To the maximum extent practical, demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-5. Increased Noise Levels (Demolition, Grading, and Construction Activities)

The project contractor shall use power construction equipment with noise shielding and muffling devices.

CM-6. Increased Noise Levels (Demolition, Grading, and Construction Activities)

The project contractor shall erect a temporary noise-attenuating sound barrier along the perimeter of the Project Site. The sound wall shall be a minimum of 8 feet in height to block the line-of-site of construction equipment and off site receptors at the ground level. The sound barrier shall include ¾ inch plywood or other sound absorbing material capable of achieving a 5-dBA reduction in sound level.

CM-7. Increased Noise Levels (Demolition, Grading, and Construction Activities)

During structural framing, the project contractor shall utilize temporary portable acoustic barriers, partitions, or acoustic blankets to effectively block the line-of-sight between noise producing equipment and the adjacent residential land uses for purposes of ensuring noise levels at the adjacent residential land uses does not exceed 5 dBA over the ambient noise levels.

CM-8. Increased Noise Levels (Demolition, Grading, and Construction Activities)

An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours of their receipt.

CM-9. Temporary Groundborne Vibration Impacts

All new construction work shall be performed so as not to adversely affect the structural integrity of the adjacent buildings. Prior to commencement of construction, the applicant shall retain a qualified structural engineer to survey the existing foundations and structures of the adjacent buildings, and provide a plan to protect them from potential damage. The performance standards of the structure monitoring plan shall including 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 buildings. A registered structural engineer 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 adjacent structures 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.
- In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant and, if warranted, in a manner that meets the Secretary of the Interior's Standards.
- The structure monitoring program and initial survey documentation shall be submitted to the Department of Building and Safety and received into the case file for the associated discretionary action permitting the project prior to construction.

CM-10. Public Services (Police – Demolition/Construction Sites)

Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

CM-11. Compliance with LADOT

The Applicant shall implement the project requirements detailed in DOT's communication to the Planning Department (DOT Case No. CEN 17-45630 dated July 12, 2017, attached) and as listed below.

*Construction Impacts*

DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should 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. DOT also recommends that construction related traffic be restricted to off-peak hours to the extent possible.

*Transportation Demand Management (TDM) Program*

A final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program should include, but not be limited to the following strategies:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- Administrative support for the formation of carpools/vanpools;
- Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
- Establish bike and walk to work promotions;
- Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- Coupled with the unbundled parking, provide on-site car share amenities for residents;
- Guaranteed ride home program;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Coordinate with DOT to determine if the project location is eligible for a future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
- Provide on-site transit routing and schedule information;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Provide rideshare matching services;
- Preferential rideshare loading/unloading or parking location;

- Contribute a one-time fixed fee contribution of \$50,000 to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.

#### *Highway Dedication and Street Widening Requirements*

The applicant should check with Bureau of Engineering's Land Development Group to determine the specific highway dedication, street widening and/or sidewalk requirements for this project.

#### *Parking Requirements*

The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

#### *Driveway Access and Circulation*

The traffic study indicates that two proposed driveways will provide access to the building's underground parking, including shared access for residents and retail and restaurant customers. The conceptual site plan for the project illustrated in Attachment 3 is acceptable to DOT. However, the review of this study does not constitute approval of the driveway dimensions, access and circulation scheme. Those require separate review and approval and should be coordinated with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4<sup>th</sup> Floor, Station 3, @ 213-482-7024). In order to minimize and prevent last minute building design changes, the applicant should contact DOT, prior to the commencement of building or parking layout design efforts, for driveway width and internal circulation requirements. New driveways should be Case 2 - designed with a recommended width of 30 feet for two-way operations or 16 feet for one-way operations. Delivery truck loading and unloading should take place on site with no vehicles having to back into the project via the proposed project driveways on any adjacent street. However, the truck loading dock off of the alley (Blackstone Court) is acceptable.

#### *Development Review Fees*

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council in 2009 and updated in 2014. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

#### CM-12. Construction Management Plan

The following will be implemented prior to construction:

- As traffic lane, parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.

- Ensure that access will remain unobstructed for land uses in proximity to the project site during project construction.
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.

CM-13. Tribal Cultural Resources

In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long

as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.

- g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract comply with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided

property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
  - (d) All improvements within public streets, private streets, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
  - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
  - (b) Construct any necessary drainage facilities.
  - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting. Construct new pedestrian lights: two (2) on Olympic Boulevard and five (5) on Hill Street. If street widening per BOE improvement conditions, relocate and upgrade street lights; three (3) on Hill Street and one (1) on Olympic Boulevard.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-

- 3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.
- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.
  - (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
  - (f) Construct access ramps for the handicapped as required by the City Engineer.
  - (g) Close any unused driveways satisfactory to the City Engineer.
  - (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
  - (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
    - a. Improve Olympic Boulevard being dedicated and adjoining the subdivision by the construction of the following:
      - (1) A concrete curb, a concrete gutter, and a 15-foot full-width concrete sidewalk with tree wells.
      - (2) Suitable surfacing to join the existing pavements and to complete 36-foot half roadway.
      - (3) Any necessary removal and reconstruction of existing improvements.
      - (4) The necessary transitions to join the existing improvement.
    - b. Improve the alley being dedicated and adjoining the tract by construction of new surfacing to provide an 18-foot wide alley with longitudinal gutter located at the 10-foot half ally measured from the new tract boundary after the alley dedication including a construction of a new alley intersection with Olympic Boulevard including any necessary removal and reconstruction of existing improvements and necessary transition including the drainage to join the existing alley improvements all satisfactory to the City Engineer:

**NOTES:**

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units. This vesting map does not constitute approval of any variations from the Los Angeles Municipal Code (LAMC), unless approved specifically for this project under separate conditions.

Any removal of the existing street trees shall require Board of Public Works approval.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the LAMC.

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

#### **FINDINGS OF FACT (CEQA)**

The project was issued Mitigated Negative Declaration ENV-2016-4711-MND on April 12, 2018. Potential negative impacts could occur from the project's implementation due to:

- Biological Resources
- Hazards and Hazardous Materials
- Noise
- Public Services
- Transportation
- Tribal Cultural Resources

The Deputy Advisory Agency, adopts Mitigated Negative Declaration No. ENV-2016-4711-MND and finds that it reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition No. 14 and 15 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.), which are specifically intended to mitigate such potential impacts on all projects.

In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition Nos. 14 and 15.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

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

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

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

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the project site. The project site is located within the Central City Community Plan, which designates the site with a High Density Residential land use designation. The land use designation lists the R5 Zone as the corresponding zones. The Project Site is zoned [Q]R5-4D-O, which is consistent with the land use designation. The project site has approximately 50,611 gross square feet of lot area and is located within the Greater Downtown Housing Incentive Area. The site is not subject to any density restrictions but is limited to a FAR of 6:1 per the "D" Limitations contained in Ordinance No. 164307 (SA2645). The project is seeking a Transfer of Floor Area Rights (TFAR) for the approximate amount of 354,277 square feet of floor area to the Project site, permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area.

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

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

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

permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area.

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

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

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

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

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

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

The adjacent property to the north, across Olympic Boulevard, is zoned [Q]R5-4D and developed with a vacant one-story mini-shopping center. The adjoining property to the south is zoned [Q]R5-4D and developed with the Mayan Theater. The adjacent properties to the east, across the public alley, are zoned C2-4D-O-SN and developed with one-story

commercial buildings and a 12-story commercial office building. The adjacent properties to the west, across Hill Street, are zoned [Q]R5-4D-O and developed with a commercial corner building and a surface parking lot. The site is located approximately 3,500 feet (0.7 miles) from Interstate 110 to the west and Interstate 10 to the east.

The project entails the construction of a 60-story mixed-use building (760 feet in height) with 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail space. The project site has approximately 50,611 square feet of gross lot area and is located within the Greater Downtown Housing Incentive Area. The site is not subject to any density restrictions but is limited to a FAR of 6:1 per the "D" Limitations contained in Ordinance No. 164307 (SA2645). The project is seeking a Transfer of Floor Area Rights (TFAR) under incidental Case No. CPC-2016-4710-TDR-MCUP-SPR for the approximate amount of 354,277 square feet of floor area to the Project site, permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area. Additionally, prior to the issuance of a demolition, grading, or building permit, the project would be required to comply with conditions herein and applicable requirements of the LAMC. As conditioned the proposed tract map is physically suitable for the proposed density of the development.

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

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

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

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

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

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

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

property within the proposed subdivision, as identified on the tract map. Necessary easements for utilities will be acquired by the City prior to the recordation of the proposed parcel map.

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

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

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

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

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

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

VINCENT P. BERTONI, AICP  
Advisory Agency



KEVIN S. GOLDEN  
Deputy Advisory Agency



JANE J. CHOI, AICP  
Senior City Planner

**Note:** If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission or Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices:

*Downtown Office  
Figueroa Plaza  
201 North Figueroa Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077*

*Valley Office  
6262 Van Nuys Boulevard, Suite 251  
Van Nuys, CA 91401  
(818) 374-5050*

*West Los Angeles Office  
1828 Sawtelle Boulevard, 2<sup>nd</sup> Floor  
Los Angeles, CA 90025  
(310) 231-2598*

Forms are also available on-line at <http://planning.lacity.org>

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90<sup>th</sup> day following the date on which the City's decision becomes final.

# **Exhibit D – Mitigation Negative Declaration**

1 of 4: ENV-2016-4711-MND



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**INITIAL STUDY**  
**MITIGATED NEGATIVE DECLARATION**  
**Central City Community Plan Area**

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**Olympic and Hill Project**  
**CPC-2016-4710-TDR-MCUP-SPR**  
**ENV-2016-4711-MND**

**Project Location:** 1000-1034 S. Hill Street and 220-226 W. Olympic Boulevard, Los Angeles, CA 90015

**Council District:** 14

**Project Description:** The Proposed Project includes the demolition of the existing surface parking lot on the Project Site and the construction of a 60-story mixed-use building (760 feet in height), which includes 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail spaces. The Proposed Project would be 60 stories high consisting of seven levels of parking below grade, ground floor commercial/retail uses, a five-story podium with an amenity deck having glass railings, and a 55-story residential tower above the amenity deck. The Proposed Project would provide a total of 1,075 vehicle parking spaces, which includes 840 spaces for the residential uses, 15 spaces for commercial/retail use in accordance with the Los Angeles Municipal Code (“LAMC”) requirements, and 220 spaces for an adjacent office building by private contract agreement. Parking on the Project Site would be provided in seven subterranean levels, the ground level, and on levels one through four. Primary vehicular access for residential and commercial uses would be provided via two full-access driveways: one on Hill Street and one from the adjacent alley, Blackstone Court. Vehicular access for a proposed porte cochère that exits onto Blackstone Court would be provided from Olympic Boulevard. Pursuant to the Bicycle Ordinance, the Proposed Project would provide 708 long-term and 78 short-term bicycle parking spaces. The Proposed Project meets the LAMC requirements for open space by providing approximately 86,976 square feet of open space and amenity areas. The Proposed Project would include 658,021 square feet of total floor area resulting in a floor area ratio (FAR) of 13:1. Seven street trees (five Canary Island pine and two Southern Magnolia) would be removed from the public right-of-way; 184 new trees would be provided, including 42 street trees. Trees in the public right-of-way would be replaced at a minimum 2:1 ratio.

The Applicant is requesting the following discretionary actions: (1) Pursuant to LAMC Section 14.5.6.B, a Transfer Of Floor Area Rights (TFAR) Greater Than 50,000 square feet of floor area for the transfer of approximately 354,319 square feet of floor area; (2) Pursuant to LAMC Section 12.24.W.1, a Master Conditional Use Permit to allow the on-site sale and consumption of alcoholic beverages within the Project’s commercial spaces; (3) Pursuant to LAMC Section 16.05, a Site Plan Review for the construction of 700 residential units; (4) Pursuant to LAMC Section 17.15, a Vesting Tentative Tract Map for merger and re-subdivision of the Project Site for residential and commercial condominium purposes; and (5) Pursuant to LAMC Section 17.05, haul route approval in connection with the tract map approval. The Proposed Project would also require approvals and permits from the Department of Building and Safety (and other municipal agencies) for project construction activities including, but not limited to, the following: excavation, shoring, grading, foundation, haul route (for the export of approximately 206,100 cubic yards of soil), and removal of existing street trees (requires Board of Public Works approval).

**APPLICANT:**  
Onni Group

**PREPARED BY:**  
Parker Environmental Consultants

**ON BEHALF OF:**  
The City of Los Angeles  
Department of City Planning

**April 2018**

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**APPENDICES**

APPENDIX A: Air Quality CalEEMOD worksheets

APPENDIX B: Historic Resources Assessment

GPA Consulting, Inc., Historical Resource Technical Report, Olympic + Hill Development, Los Angeles, California, January 2018.

APPENDIX C: Geotechnical Investigation

Geocon West, Inc., Geotechnical Investigation, Proposed High-Rise Development “Olympic and Hill” 1000-1034 Hill Street and 220 & 226 West Olympic Boulevard, Los Angeles, California, February 28, 2017.

APPENDIX D: Greenhouse Gas Emissions CalEEMod Worksheets

APPENDIX E: Environmental Site Assessment

Advantage Environmental Consultants, LLC, Phase I Environmental Site Assessment, W Olympic Boulevard and S Hill Street Property, Los Angeles, California 90015, April 25, 2017.

APPENDIX F: Methane Report

Methane Specialists, Site Methane Investigation Report for New mixed-use complex with seven subterranean levels 1000-1034 S. Hill Street / 220-226 W. Olympic Blvd., Los Angeles, CA - 90015, April 21, 2017.

APPENDIX G: Noise Monitoring and Calculation Worksheets

APPENDIX H: Transportation Impact Analysis

Fehr & Peers, Olympic & Hill Project, Draft Transportation Impact Analysis, January 2018.

APPENDIX I: Energy Calculation Worksheets

APPENDIX J: LADWP Water Supply Assessment and Water Conservation Commitment Letter

**CITY OF LOS ANGELES**  
OFFICE OF THE CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CALIFORNIA 90012  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**PROPOSED MITIGATED NEGATIVE DECLARATION**

<b>LEAD CITY AGENCY:</b> City of Los Angeles	<b>COUNCIL DISTRICT:</b> 14 – Jose Huizar
--	---

<b>PROJECT TITLE:</b> Olympic and Hill Project	<b>ENVIRONMENTAL CASE:</b> ENV-2016-4711-MND	<b>CASE NO.:</b> CPC-2016-4710-TDR-MCUP-SPR
---	---	--

**PROJECT LOCATION:** 1000-1034 S. Hill Street and 220-226 W. Olympic Boulevard, Los Angeles, CA 90015

**PROJECT DESCRIPTION:** The Proposed Project includes the demolition of the existing surface parking lot on the Project Site and the construction of a 60-story mixed-use building (760 feet in height), which includes 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail spaces. The Proposed Project would be 60 stories high with seven levels of parking below grade, ground floor commercial/retail uses, a five-story podium with an amenity deck having glass railings, and an additional 55-story residential tower above the amenity deck. The Proposed Project would provide a total of 1,075 vehicle parking spaces, which includes 840 spaces for the residential uses, 15 spaces for commercial/retail use in accordance with the Los Angeles Municipal Code (“LAMC”) requirements, and 220 spaces for an adjacent office building by private contract agreement. Parking on the Project Site would be provided in seven subterranean levels, the ground level, and on levels one through four. Primary vehicular access for residential and commercial uses would be provided via two full-access driveways: one on Hill Street and one from the adjacent alley, Blackstone Court. Vehicular access for a proposed porte cochere that exits onto Blackstone Court would be provided from Olympic Boulevard. Pursuant to the Bicycle Ordinance, the Proposed Project would provide 708 long-term and 78 short-term bicycle parking spaces. The Proposed Project meets the LAMC requirements for open space by providing approximately 86,976 square feet of open space and amenity areas. The Proposed Project would include 658,021 square feet of total floor area resulting in a floor area ratio (FAR) of 13:1. Seven street trees (five Canary Island pine and two Southern Magnolia) would be removed from the public right-of-way; 184 new trees would be provided, including 42 street trees. Trees in the public right-of-way would be replaced at a minimum 2:1 ratio.

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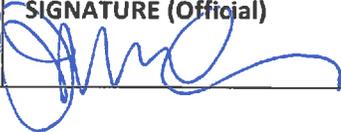
**NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY**  
Onni Group  
315 W. 9<sup>th</sup> Street, Suite 801  
Los Angeles, CA 90015

**FINDING:** The Department of City Planning of the City of Los Angeles has proposed that a Mitigated Negative Declaration be adopted for this Project. The mitigation measures outlined on the attached pages would reduce any potentially significant adverse effects to a level of insignificance.

**SEE ATTACHED SHEET(S) FOR ANY MITIGATION MEASURES IMPOSED**

Any written comment received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt the adopted mitigated negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.

**THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.**

<b>NAME OF PERSON PREPARING FORM</b> Michael Sin	<b>TITLE</b> City Planning Associate	<b>TELEPHONE NUMBER</b> (213) 978-1345
<b>ADDRESS</b> 200 North Spring Street, Room 621 Los Angeles, CA 90012	<b>SIGNATURE (Official)</b> 	<b>DATE</b> MAY 2, 2018

**CITY OF LOS ANGELES**

OFFICE OF THE CITY CLERK, ROOM 395, CITY HALL  
LOS ANGELES, CALIFORNIA 90012

**CALIFORNIA ENVIRONMENTAL QUALITY ACT  
INITIAL STUDY and CHECKLIST (CEQA Guidelines Section 15063)**

<b>LEAD CITY AGENCY:</b> City of Los Angeles		<b>COUNCIL DISTRICT:</b> CD 14		<b>DATE:</b>	
<b>RESPONSIBLE AGENCIES:</b> Department of City Planning					
<b>ENVIRONMENTAL CASE:</b> ENV-2016-4711-MND			<b>RELATED CASES:</b> CPC-2016-4710-TDR-MCUP-SPR		
<b>PREVIOUS ACTIONS CASE NO.</b>			<input type="checkbox"/> DOES have significant changes from previous actions. <input type="checkbox"/> DOES NOT have significant changes from previous actions.		
<p><b>PROJECT DESCRIPTION:</b> The Proposed Project includes the demolition of the existing surface parking lot on the Project Site and the construction of a 60-story mixed-use building (760 feet in height), which includes 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail spaces. The Proposed Project would be 60 stories high with seven levels of parking below grade, ground floor commercial/retail uses, a five-story podium with an amenity deck, and an additional 55-story residential tower above the amenity deck. The Proposed Project would provide a total of 1,075 vehicle parking spaces, which includes 840 spaces for the residential uses, 15 spaces for commercial/retail use in accordance with the Los Angeles Municipal Code ("LAMC") requirements, and 220 spaces for an adjacent office building by private contract agreement. Parking on the Project Site would be provided in seven subterranean levels, the ground level, and on levels one through four. Primary vehicular access for residential and commercial uses would be provided via two full-access driveways: one on Hill Street and one from the adjacent alley, Blackstone Court. Vehicular access for a proposed porte cochere that exits onto Blackstone Court would be provided from Olympic Boulevard. Pursuant to the Bicycle Ordinance, the Proposed Project would provide 708 long-term and 78 short-term bicycle parking spaces. The Proposed Project meets the LAMC requirements for open space by providing approximately 86,976 square feet of open space and amenity areas. The Proposed Project would include 658,021 square feet of total floor area resulting in a floor area ratio (FAR) of 13:1. Seven street trees (five Canary Island pine and two Southern Magnolia) would be removed from the public right-of-way; 184 new trees would be provided, including 42 street trees. Trees in the public right-of-way would be replaced at a minimum 2:1 ratio.</p> <p>The Applicant is requesting the following discretionary actions: (1) Pursuant to LAMC Section 14.5.6.B, a Transfer Of Floor Area Rights (TFAR) Greater Than 50,000 square feet of floor area for the transfer of approximately 354,319 square feet of floor area; (2) Pursuant to LAMC Section 12.24.W.1, a Master Conditional Use Permit to allow the on-site sale and consumption of alcoholic beverages within the Project's commercial spaces; (3) Pursuant to LAMC Section 16.05, a Site Plan Review for the construction of 700 residential units; (4) Pursuant to LAMC Section 17.15, a Vesting Tentative Tract Map for merger and re-subdivision of the Project Site for residential and commercial condominium purposes, and (5) Pursuant to LAMC Section 17.05, haul route approval in connection with the tract map approval. The Proposed Project would also require approvals and permits from the Department of Building and Safety (and other municipal agencies) for project construction activities including, but not limited to, the following: excavation, shoring, grading, foundation, haul route (for the export of approximately 206,100 cy of soil), and removal of existing street trees (requires Board of Public Works approval).</p>					
<p><b>ENVIRONMENTAL SETTING:</b> The Project Site includes seven parcels (Assessor Parcel No. 5139-013-003, 5139-013-004, 5139-013-005, 5139-013-006, 5139-013-015, 5139-013-017, and 5139-013-018) that includes 50,617 square feet of lot area (1.16 acres). The Project Site is currently occupied by a paved surface parking lot. The surrounding properties are developed with commercial/retail, office, and mixed-use land uses. Further details are provided in the expanded IS/MND analysis (attached).</p>					
<b>PROJECT LOCATION:</b> 1000-1034 S. Hill Street and 220-226 W. Olympic Boulevard, Los Angeles, CA 90015					
<b>COMMUNITY PLAN AREA:</b> Central City  <b>STATUS:</b> <input type="checkbox"/> Preliminary <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Adopted (2003)			<input checked="" type="checkbox"/> Does Conform to Plan <input type="checkbox"/> Does NOT Conform to Plan		<b>AREA PLANNING COMMISSION:</b> Central  <b>CERTIFIED NEIGHBORHOOD COUNCIL:</b> Downtown Los Angeles
<b>EXISTING ZONING:</b> [Q]R5-4D-O		<b>MAX DENSITY ZONING:</b> 6:1, up to 13:1 with TFAR		<b>LA River Adjacent:</b> No	
<b>GENERAL PLAN LAND USE:</b> High Density Residential		<b>MAX. DENSITY PLAN:</b> 6:1, up to 13:1 with TFAR		<b>PROPOSED PROJECT DENSITY:</b> 13:1	

**Determination (To be completed by Lead Agency)**

**On the basis of this initial evaluation:**

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

City Planning Associate

Title

213-978-1345

Phone

**Evaluation of Environmental Impacts:**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly

explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross referenced).

5. Earlier analysis must be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whichever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

**Environmental Factors Potentially Affected:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

<input type="checkbox"/> AESTHETICS <input type="checkbox"/> AGRICULTURE AND FOREST RESOURCES <input type="checkbox"/> AIR QUALITY <input checked="" type="checkbox"/> BIOLOGICAL RESOURCES <input type="checkbox"/> CULTURAL RESOURCES <input type="checkbox"/> GEOLOGY AND SOILS	<input type="checkbox"/> GREENHOUSE GAS EMISSIONS <input checked="" type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS <input type="checkbox"/> HYDROLOGY AND WATER QUALITY <input type="checkbox"/> LAND USE AND PLANNING <input type="checkbox"/> MINERAL RESOURCES <input checked="" type="checkbox"/> NOISE	<input type="checkbox"/> POPULATION AND HOUSING <input checked="" type="checkbox"/> PUBLIC SERVICES <input type="checkbox"/> RECREATION <input checked="" type="checkbox"/> TRANSPORTATION AND TRAFFIC <input checked="" type="checkbox"/> TRIBAL CULTURAL RESOURCES <input type="checkbox"/> UTILITIES <input checked="" type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE
<p><b>INITIAL STUDY CHECKLIST</b> (To be completed by the Lead City Agency)</p> <p><b>PROPONENT NAME:</b> Onni Group <span style="float: right;"><b>PHONE NUMBER:</b> (213) 629-2041</span></p> <p><b>APPLICANTS ADDRESSES:</b> 315 W. 9<sup>th</sup> Street, Suite 801                  Los Angeles, CA 90015</p> <p><b>AGENCY REQUIRING CHECKLIST:</b> City of Los Angeles <span style="float: right;"><b>DATE SUBMITTED:</b></span>                  Department of City Planning</p> <p><b>PROPOSAL NAME (If Applicable):</b> Olympic and Hill Project</p>		

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>PLEASE NOTE THAT EACH AND EVERY RESPONSE IN THE CITY OF LOS ANGELES INITIAL STUDY AND CHECKLIST IS SUMMARIZED FROM AND BASED UPON THE ENVIRONMENTAL ANALYSIS CONTAINED IN ATTACHEMENT B, EXPLANATION OF CHECKLIST DETERMINATIONS. PLEASE REFER TO THE APPLICABLE RESPONSE IN ATTACHMENT B FOR A DETAILED DISCUSSION OF CHECKLIST DETERMINATIONS.</b></p>					
<b>I. AESTHETICS</b>					
a.	WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	WOULD THE PROJECT SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING, BUT NOT LIMITED TO, TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS, OR OTHER LOCALLY RECOGNIZED DESIRABLE AESTHETIC NATURAL FEATURE WITHIN A CITY-DESIGNATED SCENIC HIGHWAY?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	WOULD THE PROJECT SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF THE SITE AND ITS SURROUNDINGS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	WOULD THE PROJECT CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>II. AGRICULTURE AND FOREST RESOURCES</b>					
a.	WOULD THE PROJECT CONVERT PRIME FARMLAND, UNIQUE FARMLAND, OR FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	WOULD THE PROJECT CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	WOULD THE PROJECT CONFLICT WITH EXISTING ZONING FOR, OR CAUSE REZONING OF, FOREST LAND (AS DEFINED IN PUBLIC RESOURCES CODE SECTION 1220(G)), TIMBERLAND (AS DEFINED BY PUBLIC RESOURCES CODE SECTION 4526), OR TIMBERLAND ZONED TIMBERLAND PRODUCTION (AS DEFINED BY GOVERNMENT CODE SECTION 51104(G))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	WOULD THE PROJECT RESULT IN THE LOSS OF FOREST LAND OR CONVERSION OF FOREST LAND TO NON-FOREST USE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	WOULD THE PROJECT INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD RESULT IN CONVERSION OF FARMLAND, TO NON-AGRICULTURAL USE OR CONVERSION OF FOREST LAND TO NON-FOREST USE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>III. AIR QUALITY</b>					
a.	WOULD THE PROJECT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE SCAQMD AIR QUALITY MANAGEMENT PLAN OR CONGESTION MANAGEMENT PLAN?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	WOULD THE PROJECT VIOLATE ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	WOULD THE PROJECT RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE AIR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	BASIN IS NON-ATTAINMENT (OZONE, CARBON MONOXIDE, & PM 10) UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD?				
d.	WOULD THE PROJECT EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	WOULD THE PROJECT CREATE OBJECTIONABLE ODORS AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>IV. BIOLOGICAL RESOURCES</b>					
a.	WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATION, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN THE CITY OR REGIONAL PLANS, POLICIES, REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT ON FEDERALLY PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT (INCLUDING, BUT NOT LIMITED TO, MARSH VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	WOULD THE PROJECT INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS, OR IMPEDE THE USE OF NATIVE WILDLIFE NURSERY SITES?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	WOULD THE PROJECT CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS TREE PRESERVATION POLICY OR ORDINANCE (E.G., OAK TREES OR CALIFORNIA WALNUT WOODLANDS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	WOULD THE PROJECT CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. CULTURAL RESOURCES</b>					
a.	WOULD THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF A HISTORICAL RESOURCE AS DEFINED IN STATE CEQA SECTION 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	WOULD THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO STATE CEQA SECTION 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	WOULD THE PROJECT DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	WOULD THE PROJECT DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VI. GEOLOGY AND SOILS</b>					
a.	WOULD THE PROJECT EXACERBATE HAZARDOUS ENVIRONMENTAL CONDITIONS BY BRINGING PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING RUPTURE OF A KNOWN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	EARTHQUAKE FAULT, AS DELINEATED ON THE MOST RECENT ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING MAP ISSUED BY THE STATE GEOLOGIST FOR THE AREA OR BASED ON OTHER SUBSTANTIAL EVIDENCE OF A KNOWN FAULT? REFER TO DIVISION OF MINES AND GEOLOGY SPECIAL PUBLICATION 42.				
b.	WOULD THE PROJECT EXACERBATE HAZARDOUS ENVIRONMENTAL CONDITIONS BY BRINGING PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING STRONG SEISMIC GROUND SHAKING?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	WOULD THE PROJECT EXACERBATE HAZARDOUS ENVIRONMENTAL CONDITIONS BY BRINGING PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING SEISMIC-RELATED GROUND FAILURE, INCLUDING LIQUEFACTION?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	WOULD THE PROJECT EXACERBATE HAZARDOUS ENVIRONMENTAL CONDITIONS BY BRINGING PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING LANDSLIDES?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	WOULD THE PROJECT RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	WOULD THE PROJECT BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIAL RESULT IN ON- OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE CAUSED IN WHOLE OR IN PART BY THE PROJECT'S EXACERBATION OF THE EXISTING ENVIRONMENTAL CONDITIONS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	WOULD THE PROJECT BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL RISKS TO LIFE OR PROPERTY CAUSED IN WHOLE OR IN PART BY THE PROJECT EXACERBATING THE EXPANSIVE SOIL CONDITIONS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	WOULD THE PROJECT HAVE SOILS INCAPABLE OF ADEQUATELY SUPPORTING THE USE OF SEPTIC TANKS OR ALTERNATIVE WASTE WATER DISPOSAL SYSTEMS WHERE SEWERS ARE NOT AVAILABLE FOR THE DISPOSAL OF WASTE WATER?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VII. GREENHOUSE GAS EMISSIONS</b>					
a.	WOULD THE PROJECT GENERATE GREENHOUSE GAS EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	WOULD THE PROJECT CONFLICT WITH AN APPLICABLE PLAN, POLICY OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GREENHOUSE GASES?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>III. HAZARDS AND HAZARDOUS MATERIALS</b>					
a.	WOULD THE PROJECT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	WOULD THE PROJECT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	WOULD THE PROJECT EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING OR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	PROPOSED SCHOOL?				
d.	WOULD THE PROJECT BE LOCATED ON A SITE WHICH IS INCLUDED ON A LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5 AND, AS A RESULT, WOULD IT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT EXACERBATE CURRENT ENVIRONMENTAL CONDITIONS SO AS TO RESULT IN A SAFETY HAZARD FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT EXACERBATE CURRENT ENVIRONMENTAL CONDITIONS SO AS TO RESULT IN A SAFETY HAZARD FOR THE PEOPLE RESIDING OR WORKING IN THE AREA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	WOULD THE PROJECT IMPAIR IMPLEMENTATION OF OR PHYSICALLY INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	WOULD THE PROJECT EXACERBATE EXISTING HAZARDOUS ENVIRONMENTAL CONDITIONS BY BRINGING PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING WILDLAND FIRES, INCLUDING WHERE WILDLANDS ARE ADJACENT TO URBANIZED AREAS OR WHERE RESIDENCES ARE INTERMIXED WITH WILDLANDS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IX. HYDROLOGY AND WATER QUALITY</b>					
a.	WOULD THE PROJECT VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	WOULD THE PROJECT SUBSTANTIALLY DEplete GROUNDWATER SUPPLIES OR INTERFERE WITH GROUNDWATER RECHARGE SUCH THAT THERE WOULD BE A NET DEFICIT IN AQUIFER VOLUME OR A LOWERING OF THE LOCAL GROUNDWATER TABLE LEVEL (E.G., THE PRODUCTION RATE OF PRE-EXISTING NEARBY WELLS WOULD DROP TO A LEVEL WHICH WOULD NOT SUPPORT EXISTING LAND USES OR PLANNED LAND USES FOR WHICH PERMITS HAVE BEEN GRANTED)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	WOULD THE PROJECT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, IN A MANNER WHICH WOULD RESULT IN SUBSTANTIAL EROSION OR SILTATION ON- OR OFF-SITE?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	WOULD THE PROJECT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN AN MANNER WHICH WOULD RESULT IN FLOODING ON- OR OFF SITE?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	WOULD THE PROJECT CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	WOULD THE PROJECT OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	WOULD THE PROJECT PLACE HOUSING WITHIN A 100-YEAR FLOOD PLAIN AS MAPPED ON FEDERAL FLOOD HAZARD BOUNDARY OR FLOOD INSURANCE RATE MAP OR OTHER FLOOD HAZARD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	DELINEATION MAP?				
h.	WOULD THE PROJECT PLACE WITHIN A 100-YEAR FLOOD PLAIN STRUCTURES WHICH WOULD IMPEDE OR REDIRECT FLOOD FLOWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i.	WOULD THE PROJECT EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INQUIRY OR DEATH INVOLVING FLOODING, INCLUDING FLOODING AS A RESULT OF THE FAILURE OF A LEVEE OR DAM?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j.	WOULD THE PROJECT EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY, OR DEATH INVOLVING INUNDATION BY SEICHE, TSUNAMI, OR MUDFLOW?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. LAND USE AND PLANNING</b>					
a.	WOULD THE PROJECT PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	WOULD THE PROJECT CONFLICT WITH APPLICABLE LAND USE PLAN, POLICY OR REGULATION OF AN AGENCY WITH JURISDICTION OVER THE PROJECT (INCLUDING BUT NOT LIMITED TO THE GENERAL PLAN, SPECIFIC PLAN, COASTAL PROGRAM, OR ZONING ORDINANCE) ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	WOULD THE PROJECT CONFLICT WITH ANY APPLICABLE HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XI. MINERAL RESOURCES</b>					
a.	WOULD THE PROJECT RESULT IN THE LOSS OF AVAILABILITY OF A KNOWN MINERAL RESOURCE THAT WOULD BE OF VALUE TO THE REGION AND THE RESIDENTS OF THE STATE?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	WOULD THE PROJECT RESULT IN THE LOSS OF AVAILABILITY OF A LOCALLY-IMPORTANT MINERAL RESOURCE RECOVERY SITE DELINEATED ON A LOCAL GENERAL PLAN, SPECIFIC PLAN, OR OTHER LAND USE PLAN?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XII. NOISE</b>					
a.	DOES THE PROJECT RESULT IN THE EXPOSURE OF PERSONS TO OR GENERATION OF NOISE IN LEVEL IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	DOES THE PROJECT RESULT IN THE EXPOSURE OF PEOPLE TO OR GENERATION OF EXCESSIVE GROUND BORNE VIBRATION OR GROUND BORNE NOISE LEVELS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	WOULD THE PROJECT RESULT IN A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	WOULD THE PROJECT RESULT IN A SUBSTANTIAL TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>XIII. POPULATION AND HOUSING</b>					
a.	WOULD THE PROJECT INDUCE SUBSTANTIAL POPULATION GROWTH IN AN AREA EITHER DIRECTLY (FOR EXAMPLE, BY PROPOSING NEW HOMES AND BUSINESSES) OR INDIRECTLY (FOR EXAMPLE, THROUGH EXTENSION OF ROADS OR OTHER INFRASTRUCTURE)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	WOULD THE PROJECT DISPLACE SUBSTANTIAL NUMBERS OF EXISTING HOUSING NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	WOULD THE PROJECT DISPLACE SUBSTANTIAL NUMBERS OF PEOPLE NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIV. PUBLIC SERVICES</b>					
a.	WOULD THE PROJECT RESULT IN SUBSTANTIAL ADVERSE PHYSICAL IMPACTS ASSOCIATED WITH THE PROVISION OF NEW OR PHYSICALLY ALTERED GOVERNMENT FACILITIES, NEED FOR NEW OR PHYSICALLY ALTERED GOVERNMENTAL FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE SERVICE RATIOS, RESPONSE TIMES OR OTHER PERFORMANCE OBJECTIVE FOR ANY OF THE FOLLOWING PUBLIC SERVICES:				
i.	FIRE PROTECTION?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii.	POLICE PROTECTION?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii.	SCHOOLS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii.	PARKS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv.	OTHER PUBLIC FACILITIES?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XV. RECREATION</b>					
a.	WOULD THE PROJECT INCREASE THE USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS OR OTHER RECREATIONAL FACILITIES SUCH THAT SUBSTANTIAL PHYSICAL DETERIORATION OF THE FACILITY WOULD OCCUR OR BE ACCELERATED?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	DOES THE PROJECT INCLUDE RECREATIONAL FACILITIES OR REQUIRE THE CONSTRUCTION OR EXPANSION OF RECREATIONAL FACILITIES WHICH MIGHT HAVE AN ADVERSE PHYSICAL EFFECT ON THE ENVIRONMENT?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XVI. TRANSPORTATION AND TRAFFIC</b>					
a.	WOULD THE PROJECT CONFLICT WITH AN APPLICABLE PLAN, ORDINANCE OR POLICY ESTABLISHING MEASURES OF EFFECTIVENESS FOR THE PERFORMANCE OF THE CIRCULATION SYSTEM, TAKING INTO ACCOUNT ALL MODES OF TRANSPORTATION INCLUDING MASS TRANSIT AND NON-MOTORIZED TRAVEL AND RELEVANT COMPONENTS OF THE CIRCULATION SYSTEM, INCLUDING BUT NOT LIMITED TO INTERSECTIONS, STREETS, HIGHWAYS AND FREEWAYS, PEDESTRIAN AND BICYCLE PATHS AND MASS TRANSIT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	WOULD THE PROJECT CONFLICT WITH AN APPLICABLE CONGESTION MANAGEMENT PROGRAM, INCLUDING BUT NOT LIMITED TO LEVEL OF SERVICE STANDARDS AND TRAVEL DEMAND MEASURES, OR OTHER STANDARDS ESTABLISHED BY THE COUNTY CONGESTION MANAGEMENT AGENCY FOR DESIGNATED ROADS OR HIGHWAYS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	WOULD THE PROJECT RESULT IN A CHANGE IN AIR TRAFFIC PATTERNS, INCLUDING EITHER AN INCREASE IN TRAFFIC LEVELS OR A CHANGE IN LOCATION THAT RESULTS IN SUBSTANTIAL SAFETY RISKS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d.	WOULD THE PROJECT SUBSTANTIALLY INCREASE HAZARDS TO A DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	WOULD THE PROJECT RESULT IN INADEQUATE EMERGENCY ACCESS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	WOULD THE PROJECT CONFLICT WITH ADOPTED POLICIES, PLANS OR PROGRAMS REGARDING PUBLIC TRANSIT, BICYCLE, OR PEDESTRIAN FACILITIES, OR OTHERWISE DECREASE THE PERFORMANCE OR SAFETY OF SUCH FACILITIES?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XVII. TRIBAL CULTURAL RESOURCES</b>					
	WOULD THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PUBLIC RESOURCES CODE SECTION 21074 AS EITHER A SITE, FEATURE, PLACE, CULTURAL LANDSCAPE THAT IS GEOGRAPHICALLY DEFINED IN TERMS OF THE SIZE AND SCOPE OF THE LANDSCAPE, SACRED PLACE, OR OBJECT WITH CULTURAL VALUE TO A CALIFORNIA NATIVE AMERICAN TRIBE, AND THAT IS:				
a.	LISTED OR ELIGIBLE FOR LISTING IN THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES, OR IN A LOCAL REGISTER OF HISTORICAL RESOURCES AS DEFINED IN PUBLIC CODE SECTION 5020.1(K)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	A RESOURCE DETERMINED BY THE LEAD AGENCY, IN ITS DISCRETION AND SUPPORTED BY SUBSTANTIAL EVIDENCE, TO BE SIGNIFICANT PURSUANT TO CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCES CODE SECTION 5024.1. IN APPLYING THE CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCES CODE SECTION 5024.1, THE LEAD AGENCY SHALL CONSIDER THE SIGNIFICANCE OF THE RESOURCE TO A CALIFORNIA NATIVE AMERICAN TRIBE?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>XVIII. UTILITIES AND SERVICE SYSTEMS</b>					
a.	WOULD THE PROJECT EXCEED WASTEWATER TREATMENT REQUIREMENTS OF THE APPLICABLE REGIONAL WATER QUALITY CONTROL BOARD?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	WOULD THE PROJECT REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER OR WASTEWATER TREATMENT FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	WOULD THE PROJECT REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORMWATER DRAINAGE FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	WOULD THE PROJECT HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT FROM EXISTING ENTITLEMENTS AND RESOURCE, OR ARE NEW OR EXPANDED ENTITLEMENTS NEEDED?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	WOULD THE PROJECT RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	WOULD THE PROJECT BE SERVED BY A LANDFILL WITH SUFFICIENT PERMITTED CAPACITY TO ACCOMMODATE THE PROJECT'S SOLID WASTE DISPOSAL NEEDS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	WOULD THE PROJECT COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>XIX. MANDATORY FINDINGS OF SIGNIFICANCE</b>					
a.	DOES THE PROJECT HAVE THE POTENTIAL TO DEGRADE THE QUALITY OF THE ENVIRONMENT, SUBSTANTIALLY REDUCE THE HABITAT OF FISH OR WILDLIFE SPECIES, CAUSE A FISH OR WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE A PLANT OR ANIMAL COMMUNITY, REDUCE THE NUMBER OR RESTRICT THE RANGE OF A RARE OR ENDANGERED PLANT OR ANIMAL OR ELIMINATE IMPORTANT EXAMPLES OF THE MAJOR PERIODS OF CALIFORNIA HISTORY OR PREHISTORY?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	DOES THE PROJECT HAVE IMPACTS WHICH ARE INDIVIDUALLY LIMITED, BUT CUMULATIVELY CONSIDERABLE? ("CUMULATIVELY CONSIDERABLE" MEANS THAT THE INCREMENTAL EFFECTS OF AN INDIVIDUAL PROJECT ARE CONSIDERABLE WHEN VIEWED IN CONNECTION WITH THE EFFECTS OF PAST PROJECTS, THE EFFECTS OF OTHER CURRENT PROJECTS, AND THE EFFECTS OF PROBABLE FUTURE PROJECTS).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	DOES THE PROJECT HAVE ENVIRONMENTAL EFFECTS WHICH CAUSE SUBSTANTIAL ADVERSE EFFECTS ON HUMAN BEINGS, EITHER DIRECTLY OR INDIRECTLY?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)**

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology – Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on Applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the Applicant’s project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles’s Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description may cause potentially significant impacts on the environment without mitigation. Therefore, this environmental analysis concludes that a Mitigated Negative Declaration shall be issued to avoid and mitigate all potential adverse impacts on the environment by the imposition of mitigation measures and/or conditions contained and expressed in this document; the environmental case file known as **ENV-2016-4711-MND** and the associated case(s), **CPC-2016-4710-TDR-MCUP-SPR**. Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impacts(s) on the environment (after mitigation) **will not:**

- Substantially degrade environmental quality.
- Substantially reduce fish or wildlife habitat.
- Cause a fish or wildlife habitat to drop below self sustaining levels.
- Threaten to eliminate a plant or animal community.
- Reduce number, or restrict range of a rare, threatened, or endangered species.
- Eliminate important examples of major periods of California history or prehistory.
- Achieve short-term goals to the disadvantage of long-term goals.
- Result in environmental effects that are individually limited but cumulatively considerable.
- Result in environmental effects that will cause substantial adverse effects on human beings.

**ADDITIONAL INFORMATION:**

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses, and phone numbers: visit the City’s website at <http://www.lacity.org>; City Planning and Zoning Information Mapping Automated System (ZIMAS) [cityplanning.lacity.org/](http://cityplanning.lacity.org/) or EIR Unit, City Hall, 200 N Spring Street, Room 763. Seismic Hazard Maps – <http://gmw.consrv.ca.gov/shmp/> Engineering/Infrastructure/Topographic Maps/Parcel Information – <http://boemaps.eng.ci.la.ca.us/index0.1htm> or City’s main website under the heading “Navigate LA.”

<b>PREPARED BY:</b> Michael Sin	<b>TITLE:</b> City Planning Associate	<b>TELEPHONE NO.:</b> 213-978-1345	<b>DATE:</b> 4/6/18
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**APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE**

	<b>Impact</b>	<b>Explanation</b>	<b>Mitigation Measures</b>
<b>I. AESTHETICS</b>			
a.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
b.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
c.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
d.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>II. AGRICULTURAL RESOURCES</b>			
a.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
b.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
c.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
d.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
e.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>III. AIR QUALITY</b>			
a.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
b.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
c.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
d.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
e.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>IV. BIOLOGICAL RESOURCES</b>			
a.	Potentially Significant Unless Mitigation Incorporated.	See expanded environmental analysis.	BIO-1
b.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
c.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
d.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
e.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
f.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>V. CULTURAL RESOURCES</b>			
a.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
b.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
c.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
d.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>VI. GEOLOGY AND SOILS</b>			

	<b>Impact</b>	<b>Explanation</b>	<b>Mitigation Measures</b>
a.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required
b.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required
c.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
d.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
e.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
f.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
g.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
h.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>VII. GREENHOUSE GAS EMISSIONS</b>			
a.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
b.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS</b>			
a.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
b.	Potentially Significant Unless Mitigation Incorporated.	See expanded environmental analysis.	HAZ-1
c.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
d.	Potentially Significant Unless Mitigation Incorporated.	See expanded environmental analysis.	HAZ-1
e.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
f.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
g.	No Impact.	See expanded environmental analysis.	T-1, T-2
h.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>IX. HYDROLOGY AND WATER QUALITY</b>			
a.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
b.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
c.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
d.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
e.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
f.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
g.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
h.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
i.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
j.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>X. LAND USE AND PLANNING</b>			
a.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.

	Impact	Explanation	Mitigation Measures
b	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
c	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>XI. MINERAL RESOURCES</b>			
a.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
b	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>XII. NOISE</b>			
a.	Potentially Significant Unless Mitigation Incorporated.	See expanded environmental analysis.	N-1, N-2, N-3, N-4, N-5, N-6
b	Potentially Significant Unless Mitigation Incorporated.	See expanded environmental analysis.	N-7
c.	Potentially Significant Unless Mitigation Incorporated.	See expanded environmental analysis.	N-8
d	Potentially Significant Unless Mitigation Incorporated.	See expanded environmental analysis.	N-1, N-2, N-3, N-4, N-5, N-6, N-7, N-8
e.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
f.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>XIII. POPULATION AND HOUSING</b>			
a.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
b	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
c.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>XIV. PUBLIC SERVICES</b>			
a.i	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
a.ii	Potentially Significant Unless Mitigation Incorporated.	See expanded environmental analysis.	PS-1, PS-2
a.iii	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
a.iv	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
a.v	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>XV. RECREATION</b>			
a.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
b	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>XVI. TRANSPORTATION AND TRAFFIC</b>			
a.	Potentially Significant Unless Mitigation Incorporated.	See expanded environmental analysis.	T-1, T-2, T-3
b	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
c.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
d	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.

	<b>Impact</b>	<b>Explanation</b>	<b>Mitigation Measures</b>
e.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
f.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>XVII. TRIBAL CULTURAL RESOURCES</b>			
a. i	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
a. ii	Potentially Significant Unless Mitigation Incorporated.	See expanded environmental analysis.	TRI-1
<b>XVIII. UTILITIES AND SERVICE SYSTEMS</b>			
a.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
b.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
c.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
d.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
e.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
f.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
g.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
<b>XIX. MANDATORY FINDINGS OF SIGNIFICANCE</b>			
a.	No Impact.	See expanded environmental analysis.	No mitigation measures are required.
b.	Less Than Significant Impact.	See expanded environmental analysis.	No mitigation measures are required.
c.	Potentially Significant Unless Mitigation Incorporated.	See expanded environmental analysis.	See mitigation measures above.

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## SUMMARY OF MITIGATION MEASURES

### AESTHETICS

No mitigation measures are required.

### AGRICULTURE AND FORESTRY RESOURCES

No mitigation measures are required.

### AIR QUALITY

No mitigation measures are required.

### BIOLOGICAL RESOURCES

#### BIO-1 (Habitat Modification (Nesting Native Birds)):

- Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
- If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
  - Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
  - If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.
  - Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.

- The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

**CULTURAL RESOURCES**

No mitigation measures are required.

**GEOLOGY AND SOILS**

No mitigation measures are required.

**GREENHOUSE GAS EMISSIONS**

No mitigation measures are required.

**HAZARDS AND HAZARDOUS MATERIALS****HAZ-1 Soil Management Plan**

- Due to the historic UST removed from 1022 S. Hill Street, when mass excavation/grading is to be conducted at this portion of the Project Site, proper soil management protocols would need to be followed in the event that petroleum hydrocarbon impacted soil is encountered and displaced.
- Construction and grading activities on-site shall implement a Soil Management Plan to the satisfaction of the Los Angeles Fire Department and the Department of Building and Safety.

**HYDROLOGY AND WATER QUALITY**

No mitigation measures are required.

**LAND USE AND PLANNING**

No mitigation measures are required.

**MINERAL RESOURCES**

No mitigation measures are required.

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

- N-1** 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.
- N-2** To the maximum extent practical, demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- N-3** The project contractor shall use power construction equipment with noise shielding and muffling devices.
- N-4** The project contractor shall erect a temporary noise-attenuating sound barrier along the perimeter of the Project Site. The sound wall shall be a minimum of 8 feet in height to block the line-of-site of construction equipment and off site receptors at the ground level. The sound barrier shall include ¾ inch plywood or other sound absorbing material capable of achieving a 5-dBA reduction in sound level.
- N-5** During structural framing, the project contractor shall utilize temporary portable acoustic barriers, partitions, or acoustic blankets to effectively block the line-of-sight between noise producing equipment and the adjacent residential land uses for purposes of ensuring noise levels at the adjacent residential land uses does not exceed 5 dBA over the ambient noise levels.
- N-6** An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours of their receipt.

**Temporary Groundborne Vibration Impacts**

- N-7** All new construction work shall be performed so as not to adversely affect the structural integrity of the adjacent buildings. Prior to commencement of construction, the applicant shall retain a qualified structural engineer to survey the existing foundations and structures of the adjacent buildings, and provide a plan to protect them from potential damage. The performance standards of the structure monitoring plan shall including the following:
- a) Documentation shall consist of video and/or photographic documentation of accessible and visible areas on the exterior and select interior facades of the buildings. A registered structural engineer 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 adjacent structures from construction-related damage.
- b) 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.

- c) In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant and, if warranted, in a manner that meets the Secretary of the Interior's Standards.
- d) The structure monitoring program and initial survey documentation shall be submitted to the Department of Building and Safety and received into the case file for the associated discretionary action permitting the project prior to construction.

**N-8 Increased Noise Levels (Parking Structure Ramps)**

- Concrete, not metal, shall be used for construction of parking ramps.
- The interior ramps shall be textured to prevent tire squeal at turning areas.

**POPULATION AND HOUSING**

No mitigation measures are required.

**PUBLIC SERVICES**

**PS-1 Public Services (Police – Demolition/Construction Sites)**

- Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

**PS-2 Public Services (Police)**

- The plans shall incorporate the design features (outlined in LAPD's "Design Out Crime Guidelines: Crime Prevention Through Environmental Design") 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. 1<sup>st</sup> 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.

**RECREATION**

No mitigation measures are required.

**TRANSPORTATION AND TRAFFIC****T-1 Compliance with LADOT**

- The Applicant shall implement the project requirements detailed in DOT's communication to the Planning Department (DOT Case No. CEN 17-45630 dated July 12, 2017, attached) and as listed below:

Construction Impacts

DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should 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. DOT also recommends that construction related traffic be restricted to off-peak hours to the extent possible.

Transportation Demand Management (TDM) Program

A final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program should include, but not be limited to the following strategies:

The TDM program should include, but not be limited to the following strategies:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- Administrative support for the formation of carpools/vanpools;
- Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
- Establish bike and walk to work promotions;
- Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- Coupled with the unbundled parking, provide on-site car share amenities for residents;
- Guaranteed ride home program;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Coordinate with DOT to determine if the project location is eligible for a future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
- Provide on-site transit routing and schedule information;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Provide rideshare matching services;

- Preferential rideshare loading/unloading or parking location;
- Contribute a one-time fixed fee contribution of **\$50,000** to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.

#### Highway Dedication and Street Widening Requirements

The applicant should check with Bureau of Engineering's Land Development Group to determine the specific highway dedication, street widening and/or sidewalk requirements for this project.

#### Parking Requirements

The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

#### Driveway Access and Circulation

The traffic study indicates that two proposed driveways will provide access to the building's underground parking, including shared access for residents and retail and restaurant customers. The conceptual site plan for the project illustrated in Attachment 3 is acceptable to DOT. However, the review of this study does not constitute approval of the driveway dimensions, access and circulation scheme. Those require separate review and approval and should be coordinated with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, @ 213-482-7024). In order to minimize and prevent last minute building design changes, the applicant should contact DOT, prior to the commencement of building or parking layout design efforts, for driveway width and internal circulation requirements. New driveways should be Case 2 - designed with a recommended width of 30 feet for two-way operations or 16 feet for one-way operations. Delivery truck loading and unloading should take place on site with no vehicles having to back into the project via the proposed project driveways on any adjacent street. However, the truck loading dock off of the alley (Blackstone Court) is acceptable.

#### Development Review Fees

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council in 2009 and updated in 2014. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

### **T-2: Transportation Demand Management Plan and Monitoring Program**

- The Applicant shall prepare and submit a Transportation Demand Management (TDM) Plan to the Department of Transportation prior to the issuance of the first building permit for the Project. A final TDM Plan shall be submitted and approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the Project. The TDM Plan shall include strategies, as determined to be appropriate by the Department of Transportation, that

would have a minimum fifteen (15) percent effectiveness in reducing new vehicle trips. TDM program elements should include, but not be limited to, the strategies listed in Mitigation Measure T-1 and the following:

- Site Design – The site will be designed to encourage walking, biking, and transit. Amenities would include:
  - New sidewalks and street trees along the perimeter
  - Improved street and pedestrian lighting.
- Unbundled Parking – Unbundling parking typically separates the cost of purchasing or renting parking spaces from the cost of the purchasing or renting a dwelling unit. Saving money on a dwelling unit by forgoing a parking space acts as an incentive that minimizes auto ownership. Similarly, paying for parking (by purchasing or leasing a space) acts as a disincentive that discourages auto ownership and trip-making.
- Bicycle Parking – As described in Chapter 7, the Project will provide both long term and short-term bicycle parking. In addition, the Project could provide complementary amenities such as a self-service bike repair area.

A Monitoring Program shall be prepared to provide continued monitoring of the TDM Plan's effectiveness. The Monitoring Program shall be prepared by a licensed Transportation Engineer and be submitted to the Department of Transportation for review. The Monitoring Program shall continue until such time that the Project has shown, for three consecutive years, at a minimum of 85 percent occupancy, a minimum fifteen (15) percent effectiveness in reducing new vehicle trips through implementation of the TDM Plan. Should the review show that the trip reductions have not been met, the Project shall have one year to attain compliance or be subject to a penalty program

**T-3: Construction Management Plan**

- The following will be implemented prior to construction:
  - As traffic lane, parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.
  - Ensure that access will remain unobstructed for land uses in proximity to the project site during project construction.
  - Coordinate with the City and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.

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**TRIBAL CULTURAL RESOURCES****TRI-1 Tribal Cultural Resources**

In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities<sup>2</sup>, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

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<sup>2</sup> *Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity*

- h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

**UTILITIES AND SERVICE SYSTEMS**

No mitigation measures are required.

**MANDATORY FINDINGS OF SIGNIFICANCE**

See above mitigation measures.

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# I. INTRODUCTION

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## PROJECT INFORMATION

Project Title: Olympic and Hill Project

Project Location: 1000-1034 S. Hill Street and 220-226 W. Olympic Boulevard  
Los Angeles, CA 90028

Project Applicant: Onni Group  
315 W. 9<sup>th</sup> Street, Suite 801  
Los Angeles, CA 90015

Lead Agency: City of Los Angeles  
Department of City Planning  
200 N. Spring Street, Room 621  
Los Angeles, CA 90012

## PROJECT SUMMARY

The Proposed Project includes the demolition of the existing surface parking lot on the Project Site and the construction of a 60-story mixed-use building (760 feet in height), which includes 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail spaces. The Proposed Project would be 60 stories high with seven levels of parking below grade, ground floor commercial/retail uses, a five-story podium with an amenity deck having glass railings, and an additional 55-story residential tower above the amenity deck. The Proposed Project would provide a total of 1,075 vehicle parking spaces, which includes 840 spaces for the residential uses, 15 spaces for commercial/retail use in accordance with the Los Angeles Municipal Code (“LAMC”) requirements, and 220 spaces for an adjacent office building by private contract agreement. Parking on the Project Site would be provided in seven subterranean levels, the ground level, and on levels one through four. Primary vehicular access for residential and commercial uses would be provided via two full-access driveways: one on Hill Street and one from the adjacent alley, Blackstone Court. Vehicular access for a proposed porte cochère that exits onto Blackstone Court would be provided from Olympic Boulevard. Pursuant to the Bicycle Ordinance, the Proposed Project would provide 708 long-term and 78 short-term bicycle parking spaces. The Proposed Project meets the LAMC requirements for open space by providing approximately 86,976 square feet of open space and amenity areas. The Proposed Project would include 658,021 square feet of total floor area resulting in a floor area ratio (FAR) of 13:1. Seven street trees (five Canary Island pine and two Southern Magnolia) would be removed from the public right-of-way; 184 new trees would be provided, including 42 street trees. Trees in the public right-of-way would be replaced at a minimum 2:1 ratio.

The Applicant is requesting the following discretionary actions: (1) Pursuant to LAMC Section 14.5.6.B,

a Transfer Of Floor Area Rights (TFAR) Greater Than 50,000 square feet of floor area for the transfer of approximately 354,319 square feet of floor area; (2) Pursuant to LAMC Section 12.24.W.1, a Master Conditional Use Permit to allow the on-site sale and consumption of alcoholic beverages within the Project's commercial spaces; (3) Pursuant to LAMC Section 16.05, a Site Plan Review for the construction of 700 residential units; (4) Pursuant to LAMC Section 17.15, a Vesting Tentative Tract Map for merger and re-subdivision of the Project Site for residential and commercial condominium purposes; and (5) Pursuant to LAMC Section 17.05, haul route approval in connection with the tract map approval. The Proposed Project would also require approvals and permits from the Department of Building and Safety (and other municipal agencies) for project construction activities including, but not limited to, the following: excavation, shoring, grading, foundation, haul route (for the export of approximately 206,100 cy of soil), and removal of existing street trees (requires Board of Public Works approval).

## **ORGANIZATION OF THE INITIAL STUDY**

This expanded IS/MND is organized into six sections as follows:

**Initial Study Checklist:** This Section contains the completed IS Checklist showing the significance level under each environmental impact category.

**Introduction:** This Section provides introductory information such as the Proposed Project title, the Project Applicant, and the lead agency for the Proposed Project.

**Project Description:** This Section provides a detailed description of the Proposed Project including the environmental setting, project characteristics, related project information, and environmental clearance requirements.

**Environmental Impact Analysis:** This Section contains an assessment and discussion of impacts for each environmental issue identified in the Initial Study Checklist. Where the evaluation identifies potentially significant effects, mitigation measures are provided to reduce such impacts to less-than-significant levels.

**Preparers and Persons Consulted:** This Section provides a list of consultant team members and governmental agencies that participated in the preparation of the IS.

**References, Acronyms and Abbreviations:** This Section includes various documents and information used and referenced during the preparation of the IS, along with a list of commonly used acronyms.

## II. PROJECT DESCRIPTION

### A. PROJECT LOCATION

#### PROJECT LOCATION

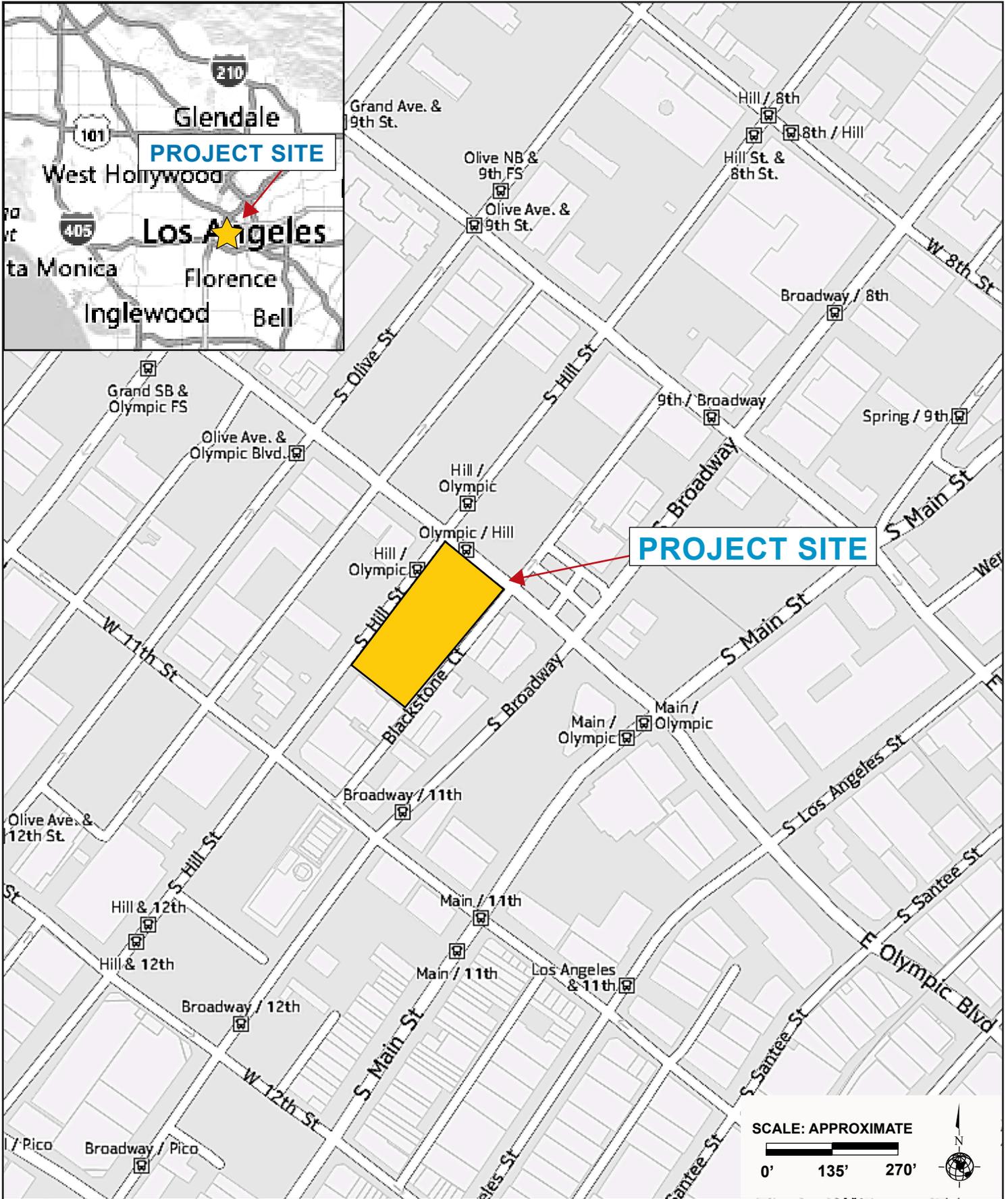
The Project Site is located in the Central City Community Plan area and is within the boundaries of the South Park District of downtown Los Angeles, as identified by the City’s Downtown Design Guide. The Project Site’s location within the City of Los Angeles and the greater Los Angeles region is depicted in Figure II-1, Project Location Map. The Project Site includes approximately 50,617 square feet of lot area (1.16 acres). The Project Site’s property addresses, Assessor’s Parcel Numbers (APN), land use and lot area are summarized in Table II-1, Summary of the Project Site, below.

**Table II-1  
Summary of Project Site**

Address	APN	Existing Land Use	Lot Area (square feet)
220 W. Olympic Boulevard	5139-013-003	Surface parking lot	50,617 sf
226 W. Olympic Boulevard	5139-013-004		
1000 S. Hill Street	5139-013-015		
1002 S. Hill Street			
1004 S. Hill Street			
1006 S. Hill Street			
1008 S. Hill Street			
1010 S. Hill Street			
1012 S. Hill Street			
1008 ½ S. Hill Street			
1010 ½ S. Hill Street	5139-013-005		
1012 ½ S. Hill Street			
1014 S. Hill Street			
1016 S. Hill Street			
1018 S. Hill Street	5139-013-006		
1016 ½ S. Hill Street			
1018 ½ S. Hill Street	5139-013-017		
1022 S. Hill Street			
1024 S. Hill Street	5139-013-018		
1026 S. Hill Street			
1030 S. Hill Street			
1034 S. Hill Street			

*Sources:*  
 -City of Los Angeles Department of City Planning, Zone Information and Map Access System, website: <http://zimas.lacity.org/>, accessed March 2017; and  
 -Chris Dikeakos Architectural Corp., January 23, 2018.

The Project Site is generally bound by Hill Street to the west; Olympic Boulevard to the north; the Mayan Theater to the south; and two-story commercial retail, a parking lot, and a high-rise commercial building to the east across the adjacent alleyway, Blackstone Court.



Source: Yahoo Maps, 2017.



Figure II-1  
Project Location Map

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## REGIONAL AND LOCAL ACCESS

Primary vehicular access to the Project Site is provided by the Hollywood Freeway (US-101) approximately 1.5 miles to the east, the Harbor/Pasadena Freeway (I-110/SR-110) approximately ¾ miles west, and the Santa Monica (I-10) Freeway approximately ¾ miles to the south.

Local street access is provided by the grid roadway system surrounding the Project Site. Hill Street, which borders the Project Site to the west, is a two-way street providing two travel lanes in each direction. Hill Street is classified as a Modified Avenue II in the City's Mobility Plan. Between Broadway, located to the east of the site, and Hope Street, located to the west of the site, Olympic Boulevard is designated as a Modified Avenue I. To the east of Broadway, Olympic Boulevard is designated as a Boulevard II. To the west of Hope Street, a portion of Olympic Boulevard is designated as a Modified Avenue I and Avenue I. Parking is permitted on the south side of the street in non-peak periods. Left-turn pockets are present at major intersections. Olympic Boulevard is part of the Vehicle Enhanced Network.

### Transit Priority Area

In 2013, the State of California enacted Senate Bill 743 (SB 743), which provides that “aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” Public Resources Code Section 21099 defines a “transit priority area” as an area within one-half mile of a major transit stop that is “existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.” Public Resources Code Section 21064.3 defines “Major Transit Stop” as “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” Public Resources Code Section 21061.3 defines an “Infill Site” as a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

The Project Site is an infill site within a Transit Priority Area as defined by CEQA.<sup>1</sup> The Project Site is served by two nearby Metro Stations within a half-mile: the 7<sup>th</sup> Street/Metro Center Station, located approximately 0.5 miles northwest of the Project Site; and the Pico Station, located approximately 0.4 miles west of the Project Site. The Project Study Area is also served by bus lines operated by the Metro, LADOT Downtown Area Shuttle (DASH), Commuter Express (CE), Foothill Transit, Orange County Transportation Authority (OCTA), Santa Monica Big Blue Bus, Gardena Municipal Bus Lines, and Montebello Bus Lines. The Project Site is also situated within easy walking distance to retail, restaurants, entertainment, and other commercial businesses located in the Downtown area and in particular along the Broadway corridor.

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<sup>1</sup> *City of Los Angeles, Department of City Planning, City of Los Angeles Zoning Information and Map Access System (ZIMAS), Parcel Profile Report, website: [www.zimas.lacity.org](http://www.zimas.lacity.org), accessed March 2017.*

## ZONING AND LAND USE DESIGNATIONS

The Project Site is currently zoned [Q]R5-4D-O with a General Plan land use designation of “High Density Residential.” Ordinance No. 164,307 established the [Q] condition and “D” limitation on the Project Site. The [Q] condition for Subarea 2645 reads as follows:

*The property shall be limited to the following uses:*

1. *Residential uses permitted in the R5 Zone.*
2. *Hotels, motels, and apartment hotels.*
3. *Any other use permitted in the C4 Zone, including commercial uses with a floor area ratio of up to 6:1, provided that the development plan is approved pursuant to the following procedure:*
  - A. *The City Planning Commission shall have the authority to approve such development plan if it finds: (i) that the proposed development will be desirable to the public convenience or welfare, and (ii) that the proposed development will be in harmony with the objectives and intent of the Central City Community Plan, and (iii) that the City Planning Commission and the Community Redevelopment Agency Board have determined that the proposed development conforms to the Redevelopment Plan for the Central Business District, and (iv) that the proposed development will not have an adverse impact on existing or planned housing development in the vicinity, and (v) that the proposed development will not reduce the potential for future housing development on any other property planned for housing use in the Central City Community Plan, and (vi) that the proposed development will be in harmony with Grand Hope Park.*
  - B. *The Commission may impose such conditions as it deems necessary with the objectives and intent of the Central City Community Plan and the Redevelopment Plan for the Central Business District.*
  - C. *An application to permit such development, together with a complete set of development plans, shall be filed with the Community Redevelopment Agency and the City Planning Commission. The application with the Planning Commission shall be deemed complete when accompanied by determination by the Community Redevelopment Agency Board. (pages 60-61 of Ordinance No. 164,307).*

The “D” for the Project Site reads as follows:

*The total floor area contained in all buildings on a lot shall not exceed six (6) times the buildable area of the lot, except for the following: (a) Projects approved under Section 418 (Transfer of Floor Area) of the Redevelopment Plan for the Central Business District Redevelopment Plan; (b) Projects approved under Section 415 (Rehabilitation and/or Remodeling of Existing Buildings) or Section 416 (Replacement of Existing Buildings) of said Redevelopment Plan; (c) Projects for which a density variation of 50,000 square feet or less is granted under Section 437 of said Redevelopment Plan; (d) Projects for which a density variation of more than 50,000 square feet was granted under Section 437 of said Redevelopment Plan prior to the effective date of this ordinance; (e) Projects approved pursuant to any procedure to regulate transfers of floor area as may be adopted by the City Council. The term “floor area” shall mean floor area as defined in Municipal Code Sections 12.21.1-A.5 and 12.21.1-B-4. (page 59 of Ordinance No. 164,307).*

The Community Plan Land Use Plan for the Central City Community Plan further states with regards to the “D” limitation, “Corresponds with Height District No. 3-D and 4-D; D limitation to 6:1 FAR, except for transfer of floor area up to 10:1 or 13:1, respectively.” (Footnote 3).

Zones corresponding to the High Density Residential designation includes the R5 zone. The Project Site is located within Height District 4. Height District No. 4 has no building height limit for the underlying zone. However, the “D” Classification limits FAR to a maximum of 6:1 and states that additional FAR may be obtained through Transfer of Floor Area. As noted above, Footnote 3 of the Central City Community Plan permits a maximum 13:1 FAR on the Project Site through Transfer of Floor Area. The density, lot area and setback requirements for the Project Site are superseded by the Greater Downtown Housing Incentive Area (Ordinance 179,076, effective Sept. 2007). The “O” designation indicated that the Project Site is located in an oil-drilling district, specifically the Los Angeles Downtown Oil Field. Figure II-2, Zoning and General Plan Designations, shows the existing zoning and land use designations on the Project Site and in the surrounding area.

The Project Site is located within the Greater Downtown Housing Incentive Area, the Central City Parking Exception area, the Central City Transfer of Floor Area Rights (TFAR) Area, the Downtown Adaptive Reuse Incentive Area, the Downtown Streetcar Project area, and the Enterprise Zone (the Employment and Economic Incentive Program Area). The design of development projects on the Project Site are further guided by the Downtown Design Guide. The Project Site is also designated as a transit priority area per the Department of City Planning’s Zoning Information File ZI No. 2452, Transit Priority Areas (TPAs) / Exemptions to Aesthetics and Parking within TPAs Pursuant to CEQA.<sup>2</sup>

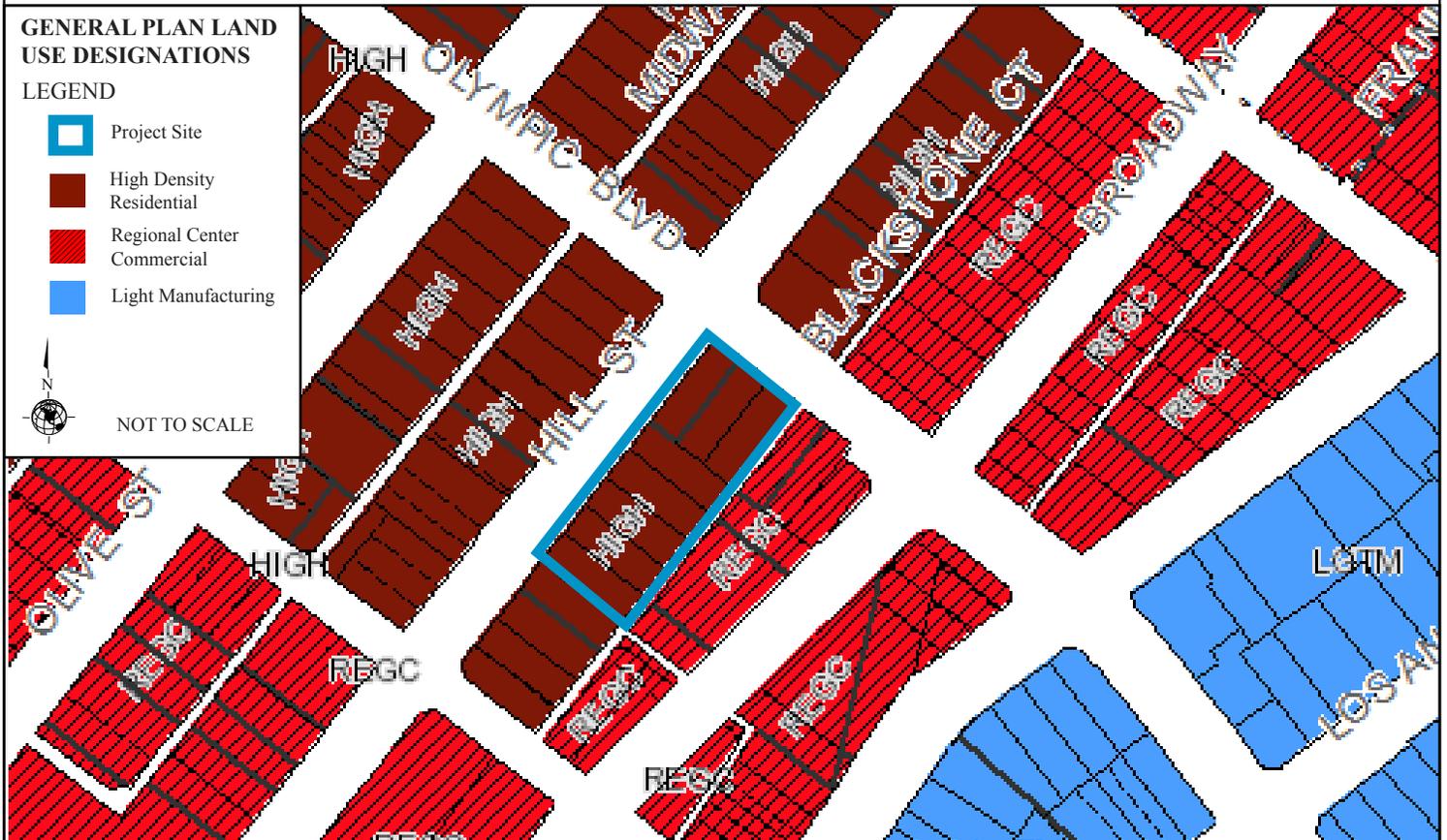
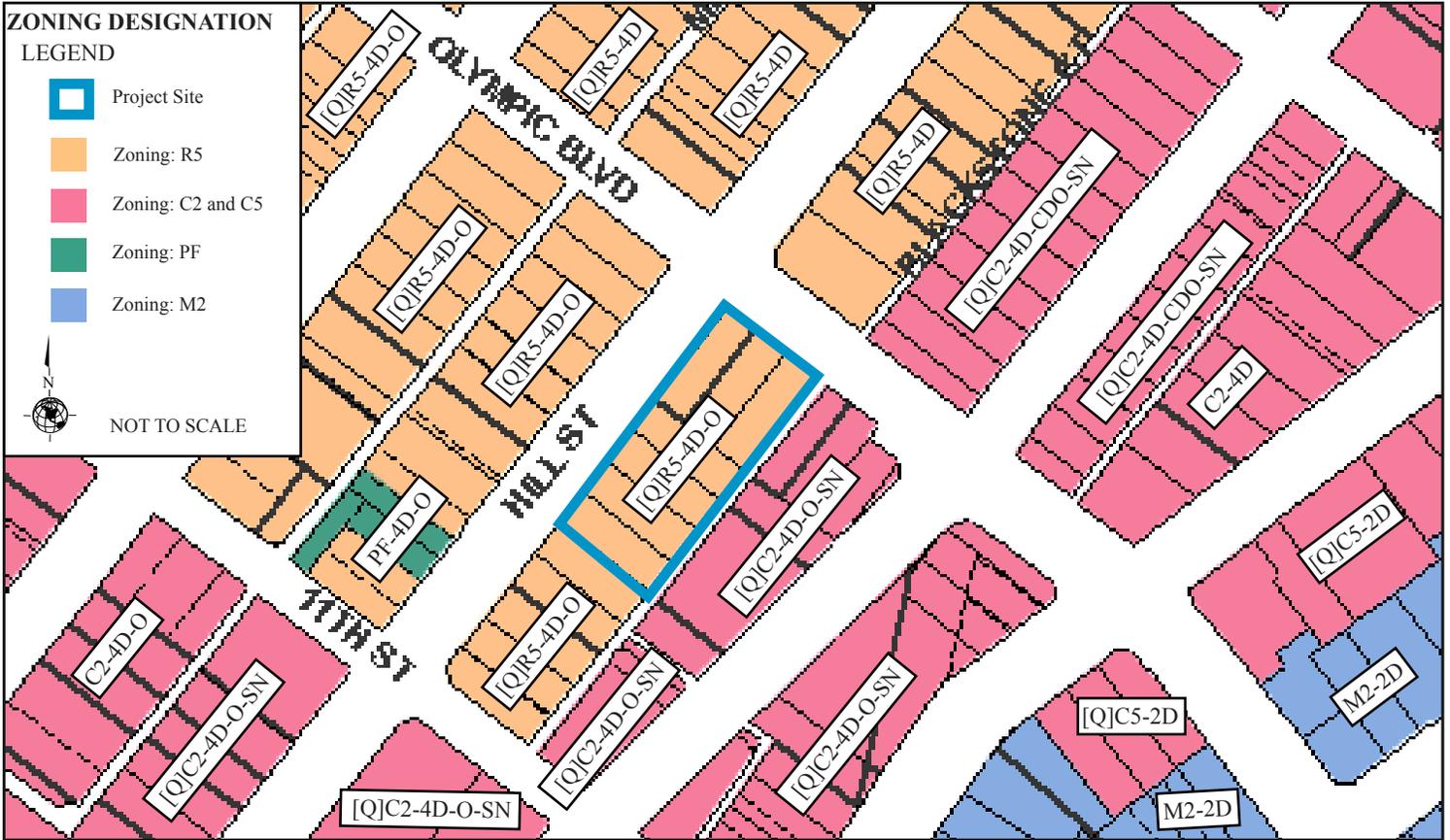
### **Central City Community Plan**

The Project Site is located within the Central City Community Plan (“Community Plan”) area of the City of Los Angeles. The Community Plan promotes an arrangement of land use, infrastructure, and services intended to enhance the economic, social, and physical health, safety, welfare, and convenience of the people who live, work and invest in the community. By serving to guide development, the Community Plan encourages progress and change within the community to meet anticipated needs and circumstances, promotes balanced growth, builds on economic strengths and opportunities while protecting the physical, economic, and social investments in the community to the extent reasonable and feasible. The Community Plan area contains a substantial amount of commercial development. More specifically, the Project Site is located in the South Park area, which is recognized to be a mixed-use community with a significant concentration of housing. This thriving residential community includes the proximate siting of auxiliary support services such as retail and commercial developments that provide employment opportunities for area residents.<sup>3</sup>

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<sup>2</sup> City of Los Angeles, Department of City Planning, Zoning Information File, ZI No. 2452, Transit Priority Areas (TPAs) / Exemptions to Aesthetics and Parking within TPAs Pursuant to CEQA, website: <http://zimas.lacity.org/>, accessed March 2017.

<sup>3</sup> City of Los Angeles, Central City Community Plan, website: <http://planning.lacity.org/complan/pdf/CCYCPTXT.PDF>, accessed March 2017.



Source: ZIMAS, City of Los Angeles, Department of City Planning, 2017.

## City Center Redevelopment Plan

The Project Site is located within the City Center Redevelopment Project area. The City Center Redevelopment Plan, effective May 15, 2002, is valid until May 15, 2032.<sup>4</sup> While AB1X-26 dissolved redevelopment agencies as of October 2011, the land use regulations of the City Center Redevelopment Plan remain in effect. Accordingly, the Proposed Project would be reviewed by the Successor Agency to the CRA/LA for compliance with the City Center Redevelopment Plan.

Within the City Center Redevelopment Project Area, the Project Site is located within the Historic Downtown Development area. The Redevelopment Plan's objective for the Historic Downtown Development area is to achieve a mixed-use residential, commercial, office, cultural, recreation, entertainment and institutional area primarily through the adaptive re-use of the large stock of structures of architectural and historic merit.<sup>5</sup> The City Center Redevelopment Plan restricts development on the Project Site to an allowable floor area ratio (FAR) of 6 times the buildable area of the site unless a TFAR Request is approved, in which case the maximum FAR is 13 times the buildable area of the Project Site.

## EXISTING CONDITIONS

Figure II-3, Aerial Photograph of the Project Site, shows an aerial view of the Project Site and identifies the location points for the site photographs and surrounding land use photographs shown in Figure II-4, Photographs of the Project Site, and Figure II-5, Photographs of the Surrounding Land Uses, respectively. The Project Site is currently improved with a surface parking lot as seen in Figure II-4, Photographs of the Project Site - Views 1 through 6, below. Vehicular access to the surface parking lot is currently provided by two ingress/egress driveways: one along Hill Street and one along Olympic Boulevard. An addition entrance-only driveway is located along Hill Street. The Project Site does not contain any native vegetation or locally protected tree species. There are five street trees on the public right-of-way on the east side of Hill Street (Canary Island pine) and two street trees on the public right-of-way on the south side of Olympic Boulevard (Southern Magnolia), adjacent to the Project Site.

## SURROUNDING LAND USES

As shown in Figure II-2, the Project Site is bordered by properties within the R5 and C2 zones. The properties to the north, south and west of the Project Site are designated for High Density Residential land uses, while the surrounding properties to the east are designated for Regional Center Commercial land uses. The properties surrounding the Project Site include commercial/retail, offices, mixed-use with residential buildings and parking lots. Photographs of the land uses immediately surrounding the Project Site are provided in Figure II-5, Photographs of the Surrounding Land Uses.

East: The Project Site is bordered by Blackstone Court, an abutting alleyway to the east. One- to two-story warehouse buildings are located across Blackstone Court, located at 210-216 W. Olympic

<sup>4</sup> *City of Los Angeles Community Redevelopment Agency – Los Angeles, City Center, website: [http://www.crala.net/internet-site/Projects/City\\_Center/index.cfm](http://www.crala.net/internet-site/Projects/City_Center/index.cfm), accessed March 2017.*

<sup>5</sup> *City of Los Angeles Community Redevelopment Agency, Redevelopment Plan for the City Center Redevelopment Project, 2002.*

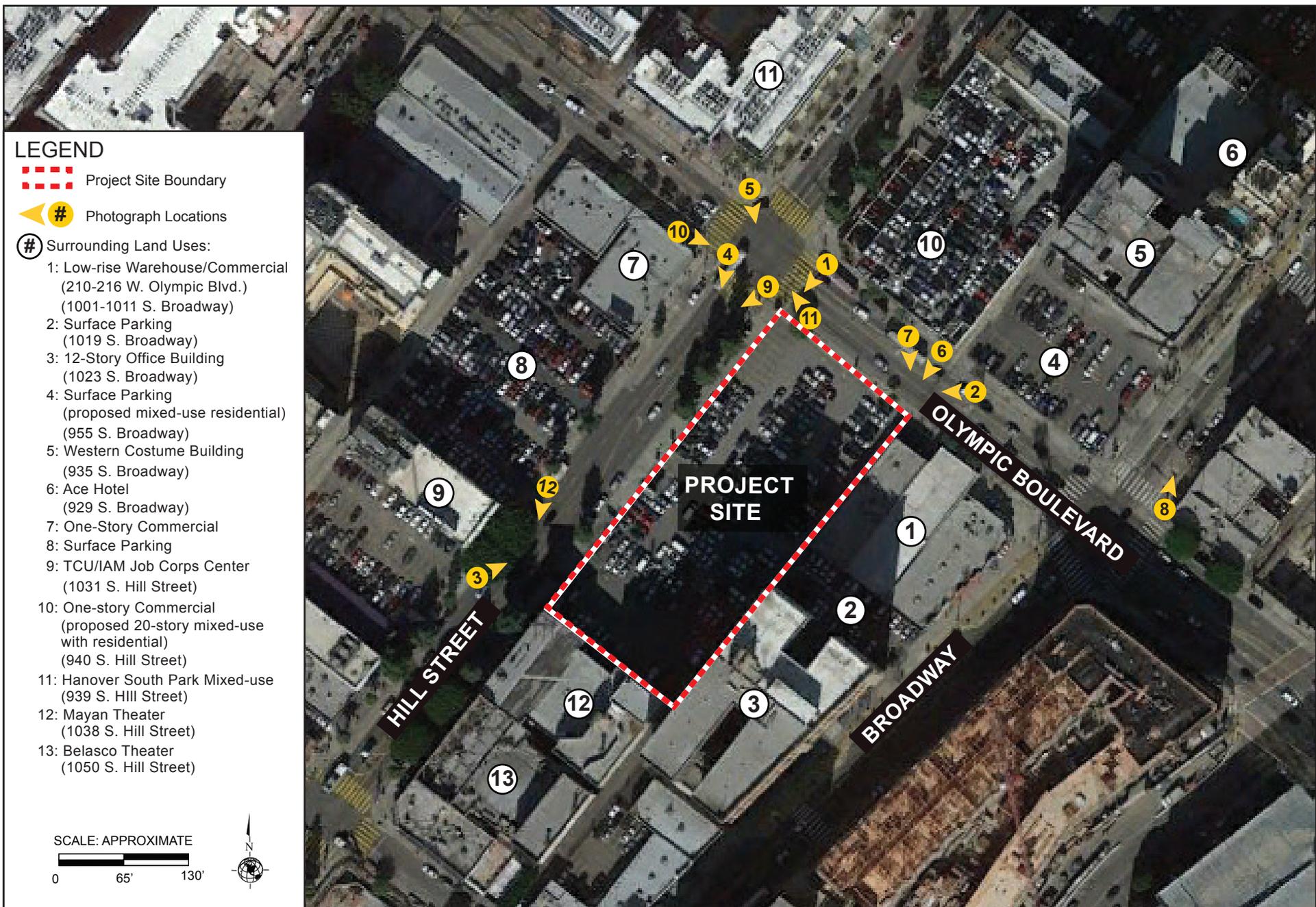
Boulevard. Further east are single-story commercial and retail stores, located at 1001 – 1011 S. Broadway. A public surface parking lot is also located east of the Project Site at 1019 S. Broadway. A 12-story office building is located south of the surface parking lot at 1023 S. Broadway. Properties to the east of the Project Site are zoned C2-4D-O-SN and have a land use designation of Regional Center Commercial. These properties are located within the Los Angeles Downtown Oil Field and within the Historic Broadway Sign Supplemental Use District. See Figure II-5, View 7.

Northeast: The Broadway Theater and Entertainment Historic District is located northeast of the Project Site across from Olympic Boulevard, east of the alleyway. A surface parking lot is located at the northwest corner of Olympic Boulevard and Broadway. Located north of the surface parking lot is the Western Costume Building, a vacant high-rise building with retail and office space, and the United Artists Theater Building, formerly known as the Ace Hotel, high-rise mixed-use hotel and commercial building. Properties to the northeast are zoned [Q]C2-4D-CDO-SN with a General Plan land use designation of Regional Center Commercial. These properties are located within the Broadway Community Design Overlay zone and within the Historic Broadway Sign Supplemental Use District. See Figure II-5, View 8.

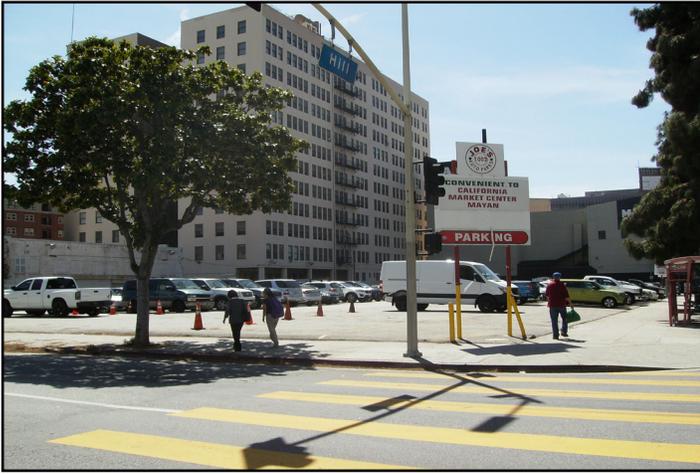
West: Hill Street immediately borders the Project Site to the west. Land uses to the west of the Project Site, across Hill Street, include single-story commercial/retail stores on the southwest corner of Hill Street and Olympic Boulevard. A surface parking lot is located south of these commercial/retail stores, across from the Project Site. A Transportation Communication Union/International Association of Machinists and Aerospace Workers (TCU/IAM) job corps center is located south of the surface parking lot at 1031 S. Hill Street. More surface parking and low-rise commercial/retail stores are located further south along Hill Street. Properties to the west are zone [Q]R5-4D-O with a General Plan land use designation of High Density Residential. See Figure II-5, Views 9.

North: Olympic Boulevard borders the Project Site to the immediate north. A single-story commercial building with rooftop and surface parking is located north of the Project Site across from Olympic Boulevard. A 20-story mixed-use residential and retail development is proposed for this site (Case No. ENV-2015-91-MND). Further north of this property is a vacant 4-story building that fronts Hill Street which is observed to be under construction or renovation. A 7-story mixed-use commercial and multi-family residential building is located northwest of the Project Site on the northwest corner of Hill Street and Olympic Boulevard (Hanover South Park). Properties to the north and northwest are zoned [Q]R5-4D and have a land use designation of High Density Residential. See Figure II-5, Views 10 and 11.

South: To the immediate south of the Project Site is The Mayan Theater. This property was a former theater and is currently utilized as a nightclub. The property further south is the Belasco Theater, which also hosts concerts and other entertainment, and is utilized for a place of worship. These two properties are designated as Los Angeles Historic-Cultural Monuments. These properties are zoned [Q]R5-4D-O with a General Plan land use designation of Regional Center Commercial. See Figure II-5, View 12.



Source: Google Earth, Aerial View, 2016



View 1: From the north side of Olympic Boulevard looking south at the Project Site.



View 2: From the north side of Olympic Boulevard looking east at the north portion of the Project Site.



View 3: From the west side of Hill Street looking northeast at the west portion of the Project Site.



View 4: From the southwest corner of Hill Street and Olympic Boulevard looking south at the Project Site.



View 5: From the northwest corner of Hill Street and Olympic Boulevard looking south at the Project Site.



View 6: From the north side of Olympic Boulevard looking south at the eastern portion of the Project Site and adjacent alleyway.

Sources: Parker Environmental Consultants, 2017.



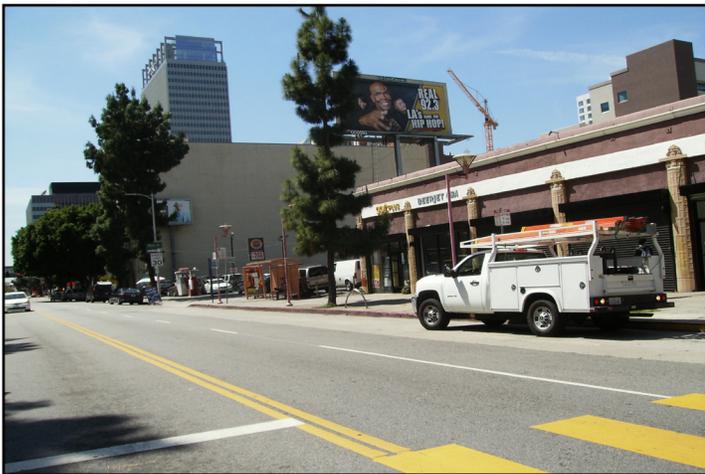
Figure II-4  
Photographs of the Project Site  
Views 1-6



View 7: From the north side of Olympic Boulevard looking south at the properties east of the Project Site.



View 8: From the northeast corner of Broadway and Olympic Boulevard looking north at the properties northeast of the Project Site.



View 9: From the south side of Hill Street looking southwest at the properties west of the Project Site.



View 10: From the southwest corner of Hill Street and Olympic Boulevard looking east at the properties north of the Project Site.



View 11: From the southeast corner of Hill Street and Olympic Boulevard looking west at the properties northwest of the Project Site.



View 12: From the west side of Hill Street looking south at the properties south of the Project Site.

Source: Parker Environmental Consultants, 2017.



Figure II-5  
Photographs of the Surrounding Land Uses  
Views 7-12

## II. PROJECT DESCRIPTION

### B. PROJECT CHARACTERISTICS

#### 1. PROPOSED DEVELOPMENT

The Proposed Project includes the demolition of the surface parking lot and the construction, use, and maintenance of a 60-story mixed-use building with a maximum of 700 residential dwelling units and up to 15,000 square feet of ground floor commercial space (including approximately 7,000 square feet of retail space and 8,000 square feet of restaurant space). The Project includes seven levels of subterranean parking, four partial levels of above-grade parking architecturally screened and/or wrapped with residential units on street facing facades, ground-floor commercial space, a 5<sup>th</sup> floor amenity deck having glass railings, and 55 levels of residential dwelling units above the parking levels and podium level. The building would be a maximum height of approximately 760 feet above grade at its highest point. A summary of the Proposed Project is provided in Table II-2, Proposed Development Program, below. The plan layout of the Proposed Project is depicted in Figure II-6, Site Plan.

**Table II-2  
Proposed Development Program**

Land Uses	Proposed Dwelling Units Mix	Proposed Floor Area (Square Feet)
<b>Proposed Project:</b>		
<b>Residential</b>		
Studio	140	643,021 sf <sup>a</sup>
1-Bedroom + Den	352	
2-Bedroom	177	
2-Bedroom + Den	26	
Sub-Penthouse	4	
Penthouse	1	
<b>Subtotal Residential</b>	<b>700</b>	
<b>Ground Floor Commercial</b>		
Retail	--	7,000 sf
Restaurant	--	8,000 sf
<b>Subtotal Commercial</b>	--	<b>15,000 sf</b>
<b>TOTAL FLOOR AREA</b>		<b>658,021 sf</b>
<sup>a</sup> Includes amenity space and common circulation areas. Source: Chris Dikeakos Architectural Corp, January 23, 2018,		

#### Residential Uses

As shown in Table II-2, above, the Proposed Project would include a maximum of 700 residential units with approximately 643,021 square feet of residential floor area (including circulation and amenity areas). The unit mix includes 140 studios, 352 one-bedroom plus den units, 177 two-bedroom units, 26 two-bedroom plus den units, 4 sub-penthouse units, and 1 penthouse unit. The dwelling units would be located on Level 3 and 4 wrapped around the interior parking spaces and on Levels 6 through Level 60. No

residential units would be located on the amenity level (Level 5). The 55-story residential tower would be located above the amenity deck. Figure II-8, Level 3 to 4 Floor Plans, shows the locations of the residential units in the podium relative to the parking areas.

The building would include a residential lobby located on the ground floor along Olympic Boulevard providing access to residents and visitors. Additional residential amenity space would be located on the 5<sup>th</sup> floor (podium level). Private open space would also be provided on private balconies.

### **Commercial Uses**

The Proposed Project would include approximately 15,000 square feet neighborhood-serving ground-floor commercial space (including approximately 7,000 square feet of retail space and 8,000 square feet of restaurant space) located along the ground floor fronting Hill Street and Olympic Boulevard. The locations of the commercial/retail spaces are illustrated in Figure II-7, Level 1 Floor Plan.

### **FLOOR AREA**

The Project Site includes approximately 50,617 square feet of gross lot area. The Redevelopment Plan and 'D' limitation limit the total floor area of the Site to a ratio of 6:1 or approximately 303,702 square feet based on lot area. Per the Community Plan, Redevelopment Plan and the Transfer of Floor Area Rights (TFAR), development of the Project Site is allowed to a maximum FAR of 13:1, resulting in an allowable floor area potential of 658,021 square feet. The Proposed Project would provide approximately 658,021 square feet of floor area for an approximate 13:1 FAR. Pursuant to LAMC Section 14.5.6.B, the Applicant is seeking a Transfer of Floor Area Rights (TFAR) for greater than 50,000 square feet of floor area for the transfer of 354,319 square feet of floor area.

### **RESIDENTIAL DENSITY & UNIT COUNT**

Pursuant to 12.22 C.3, Incentives to Produce Housing in the Greater Downtown Housing Incentive Area, residential density on the Project Site is not limited by the lot area of the R5 Zone. The Project proposes a maximum of 700 dwelling units.

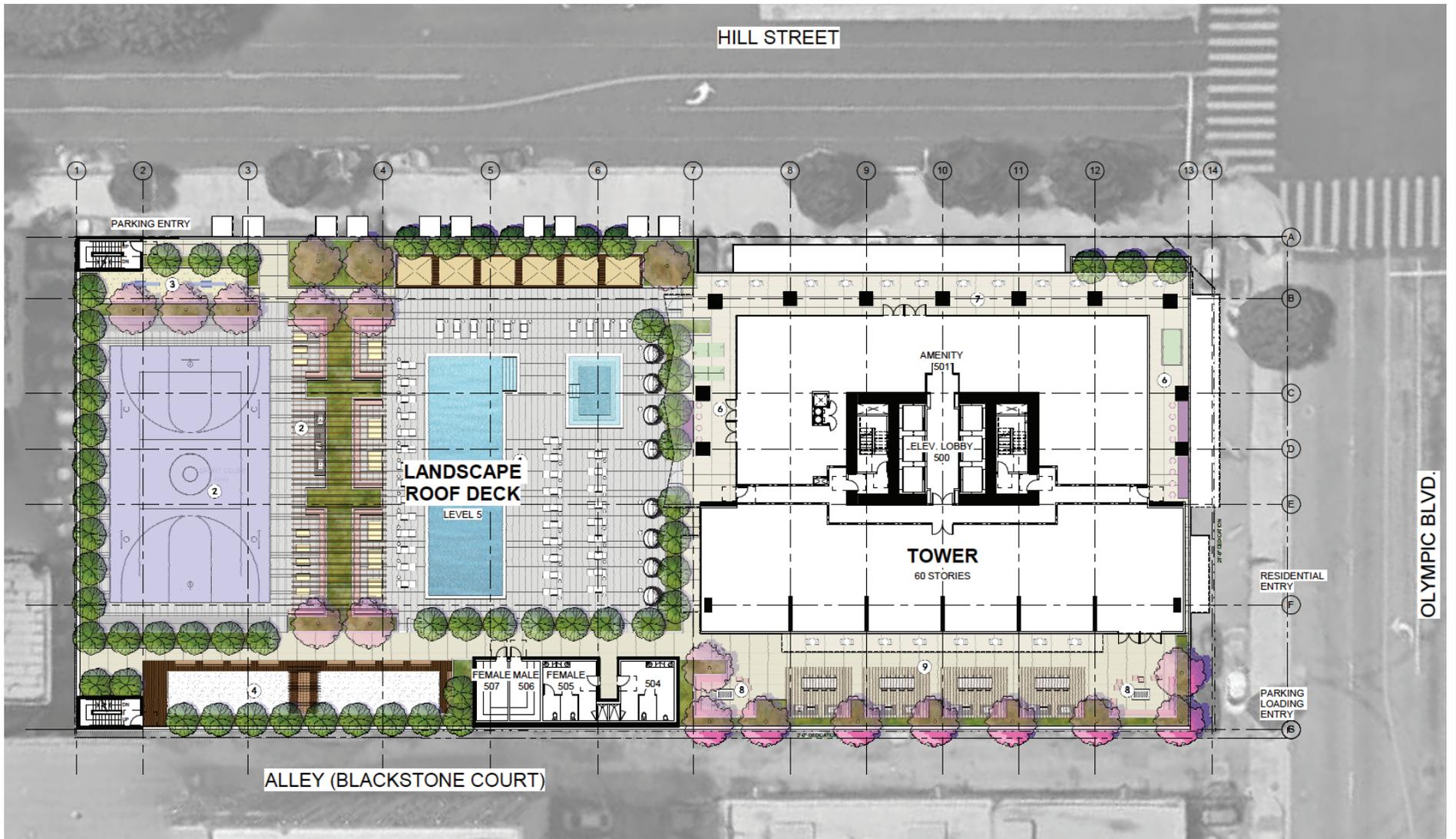
### **BUILDING HEIGHT**

There is no height limit for development on the Project Site. However, the FAR is limited to a maximum of 13:1. The proposed 60-story building has multiple elevations and step-backs. The building is planned for a maximum roof height of approximately 760 feet above grade, as defined in LAMC Section 12.03.

Refer to Figure II-10 for the north and east elevations and Figure II-11 for the south and west elevations of the proposed building. The Proposed Project's building sections are detailed in Figure II-12, Building Sections.

### **ARCHITECTURAL FEATURES**

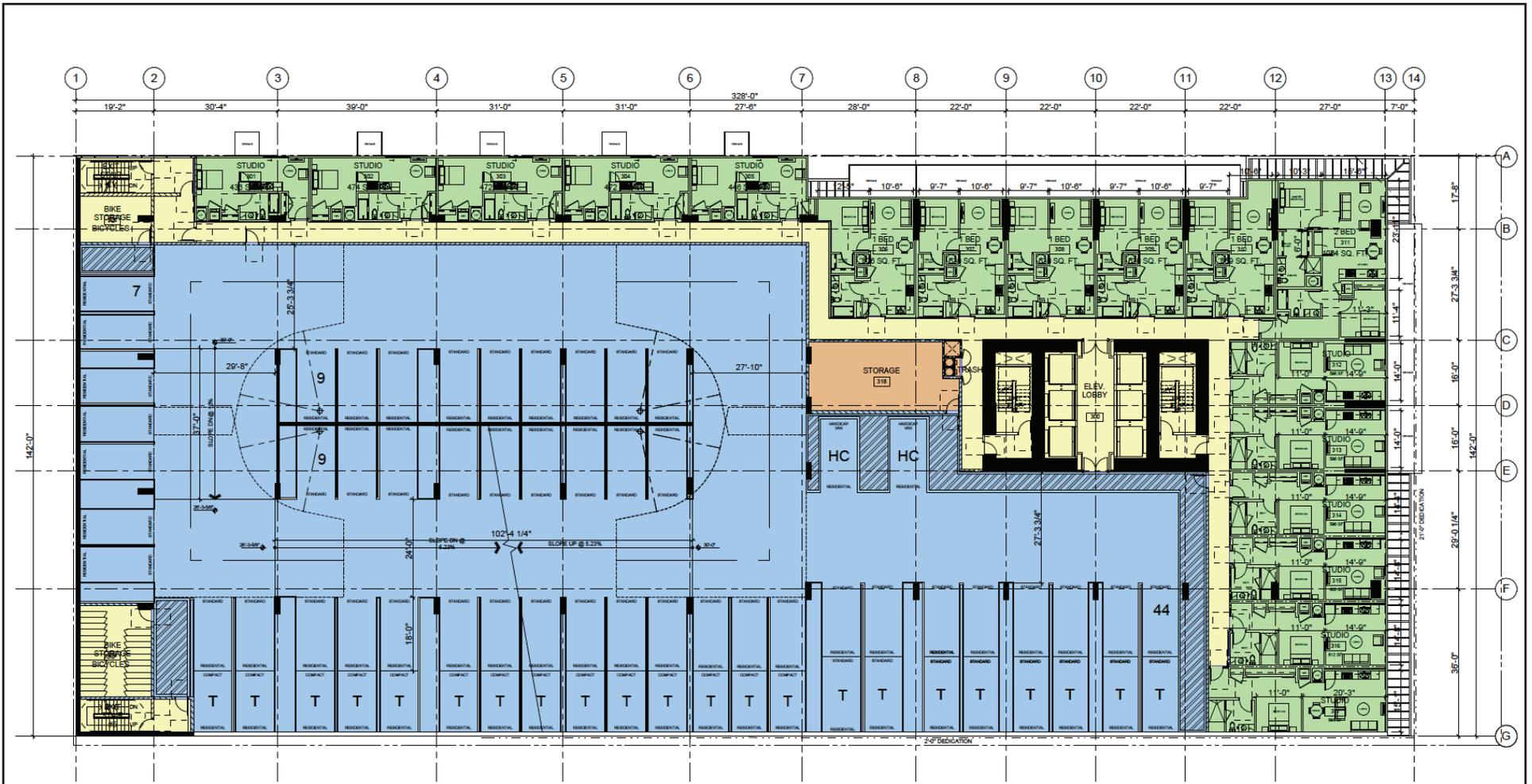
Exterior building materials include glass, concrete, pre-finished metal panels, stone, and decorative steel elements – all to create a contemporary architectural expression that will set the trend for other developments in the neighborhood. Illustrations depicting the scale and massing of the proposed structure is depicted in Figure II-13, Architectural Renderings.



Source: Chris Dikeakos Architectural Corp. January 23, 2018.



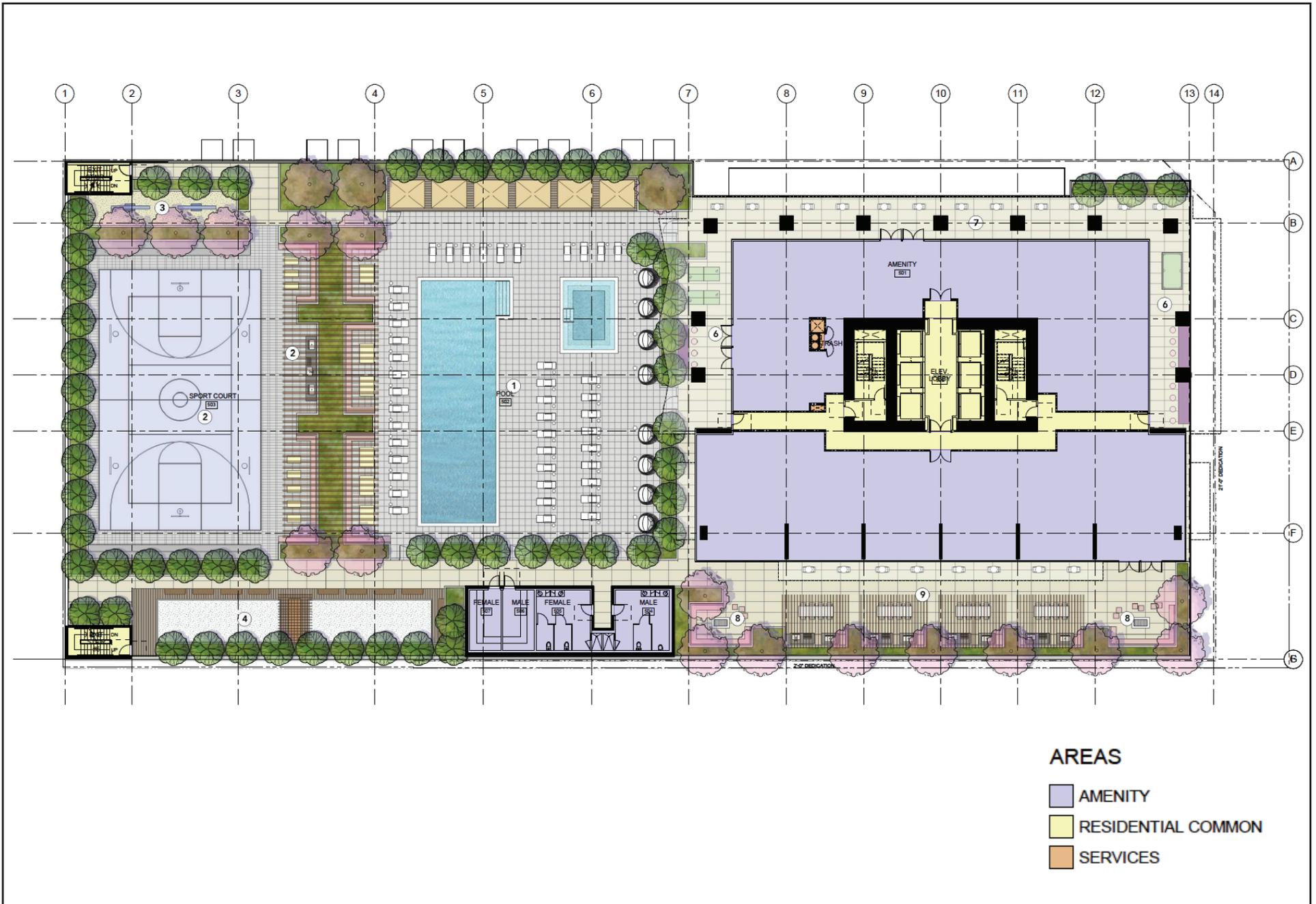
Source: Chris Dikeakos Architectural Corp. January 23, 2018.



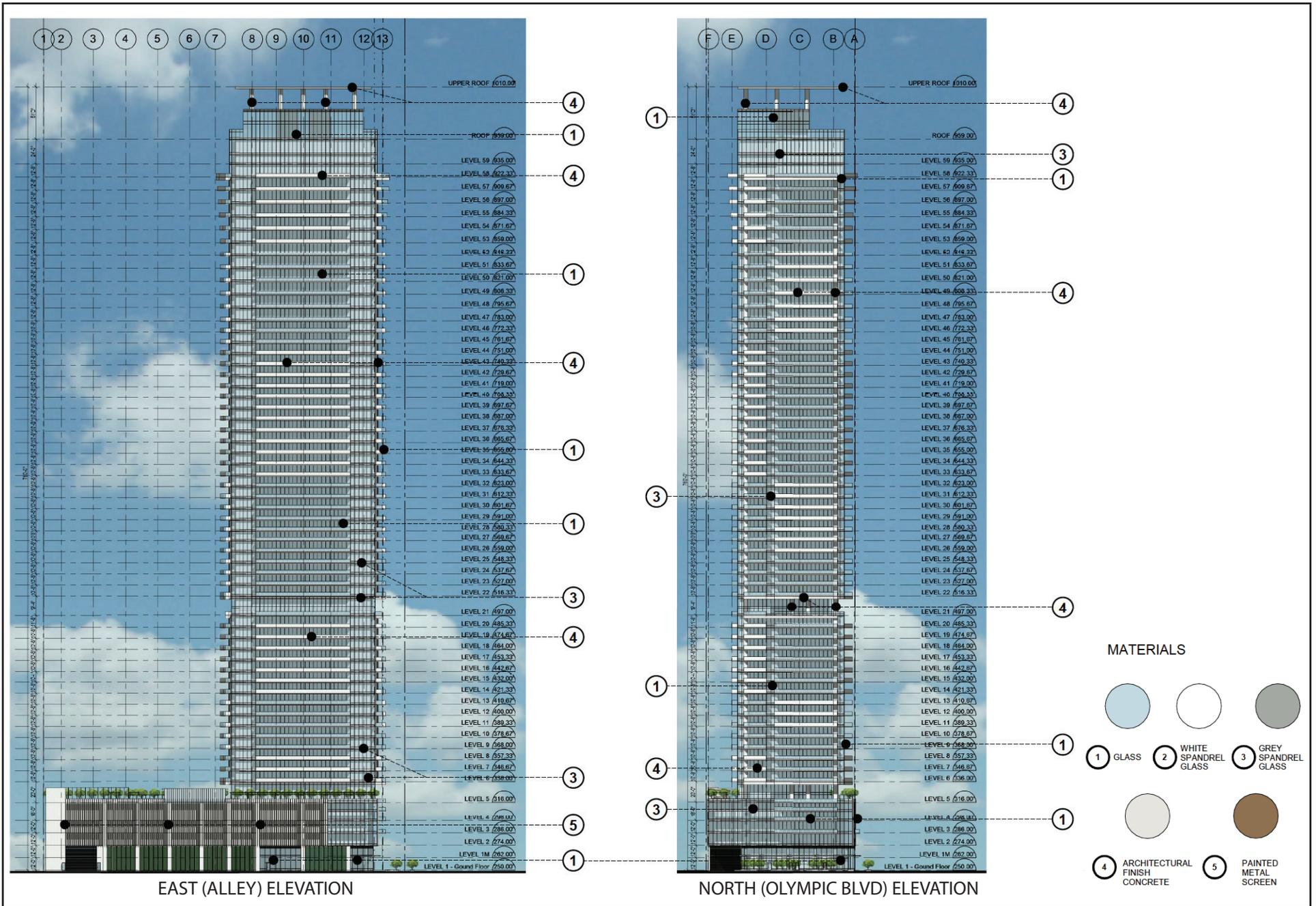
**AREAS**

- RESIDENTIAL
- RESIDENTIAL COMMON
- RESIDENTIAL PARKING
- SERVICES

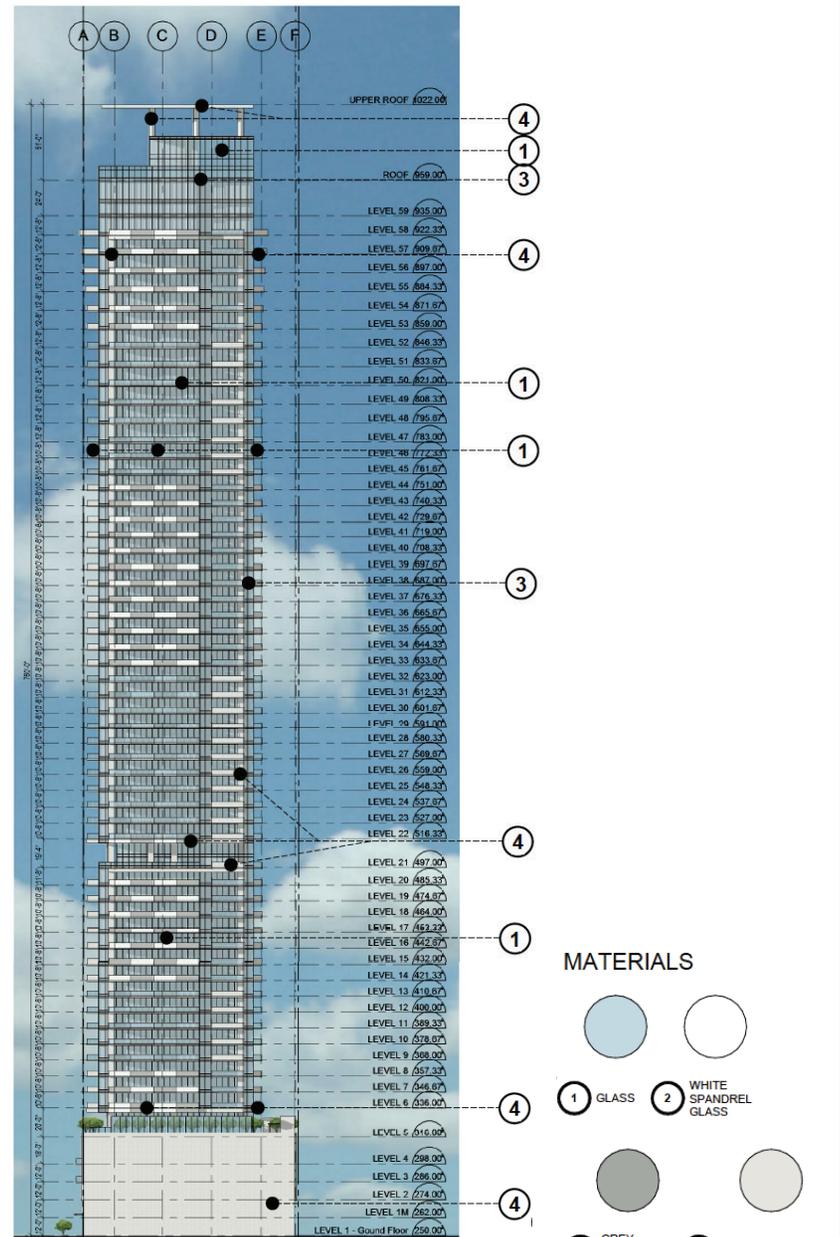
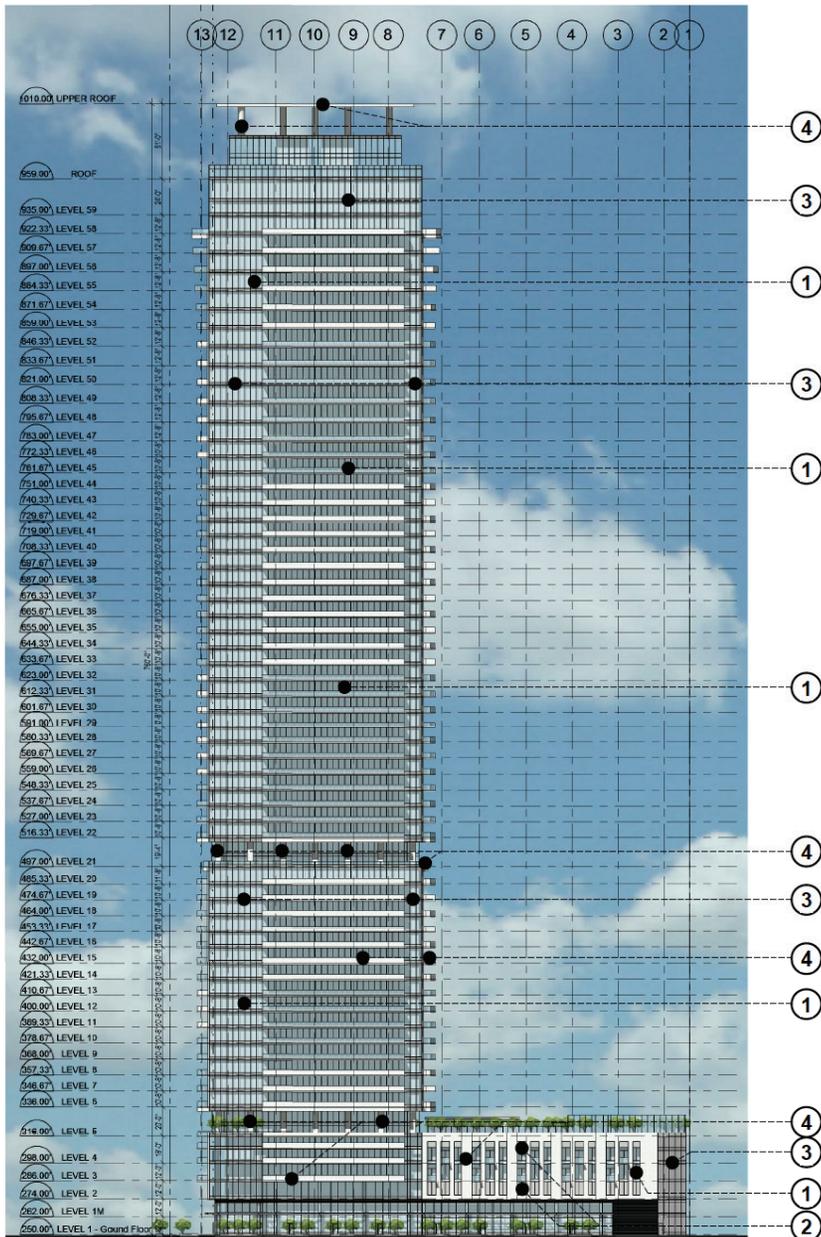
Source: Chris Dikeakos Architectural Corp. January 23, 2018.



Source: Chris Dikeakos Architectural Corp. January 23, 2018.



Source: Chris Dikeakos Architectural Corp. January 23, 2018.



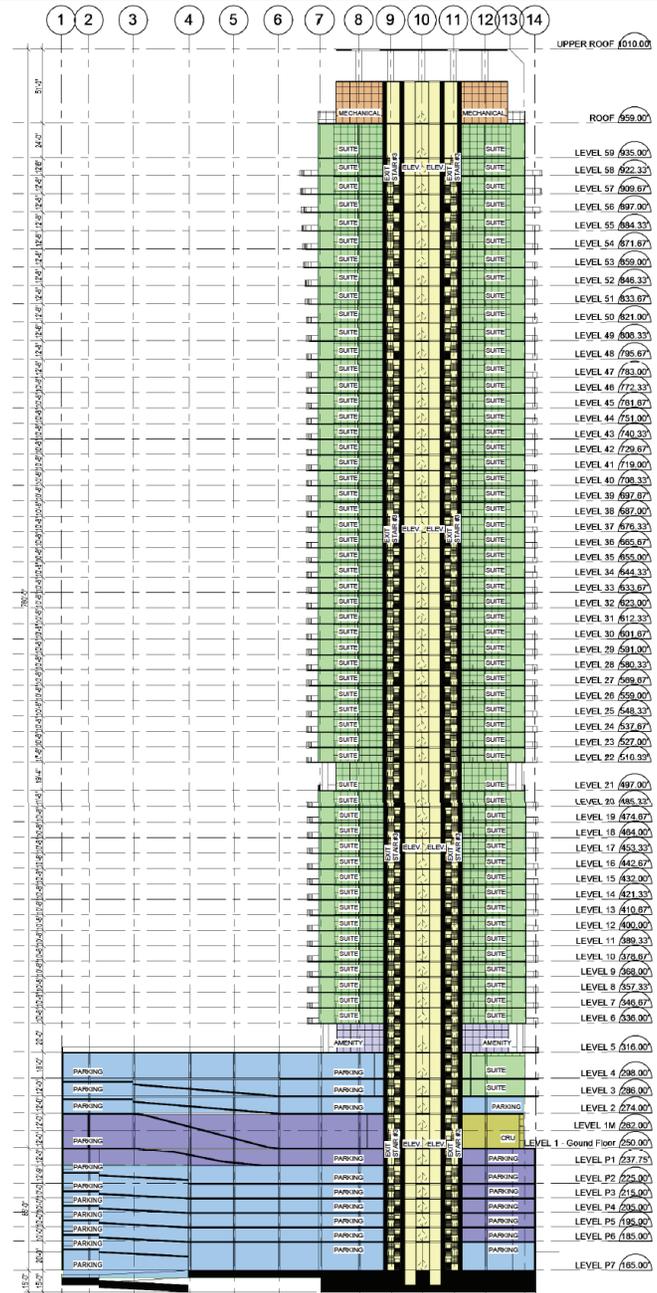
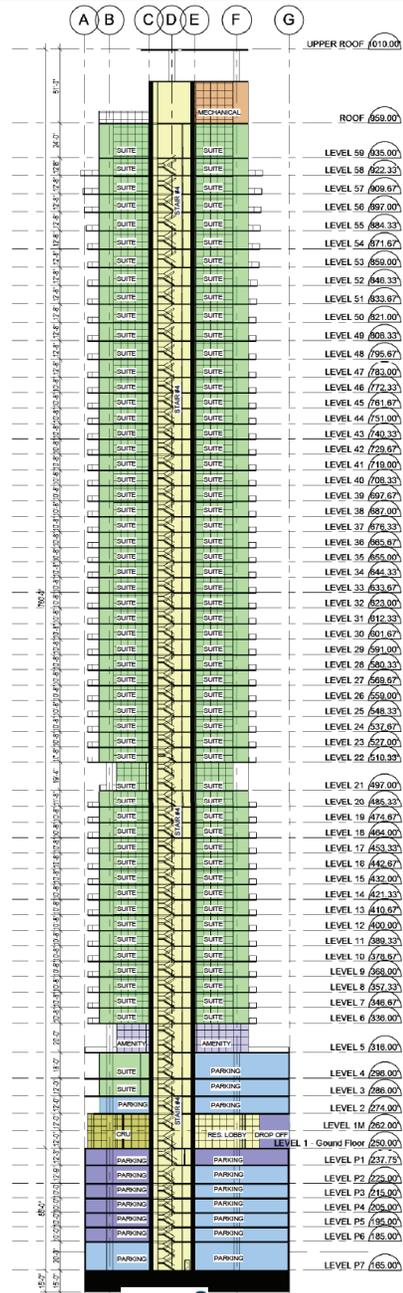
**MATERIALS**

- ① GLASS
- ② WHITE SPANDREL GLASS
- ③ GREY SPANDREL GLASS
- ④ ARCHITECTURAL FINISH CONCRETE

Source: Chris Dikeakos Architectural Corp. January 23, 2018.



Figure II-11  
South and West Elevations



Source: Chris Dikeakos Architectural Corp. January 23, 2018.



VIEW FROM OLYMPIC BOULEVARD



VIEW FROM HILL STREET



OVERALL PERSPECTIVE

Source: Chris Dikeakos Architectural Corp. January 23, 2018.

## SETBACKS

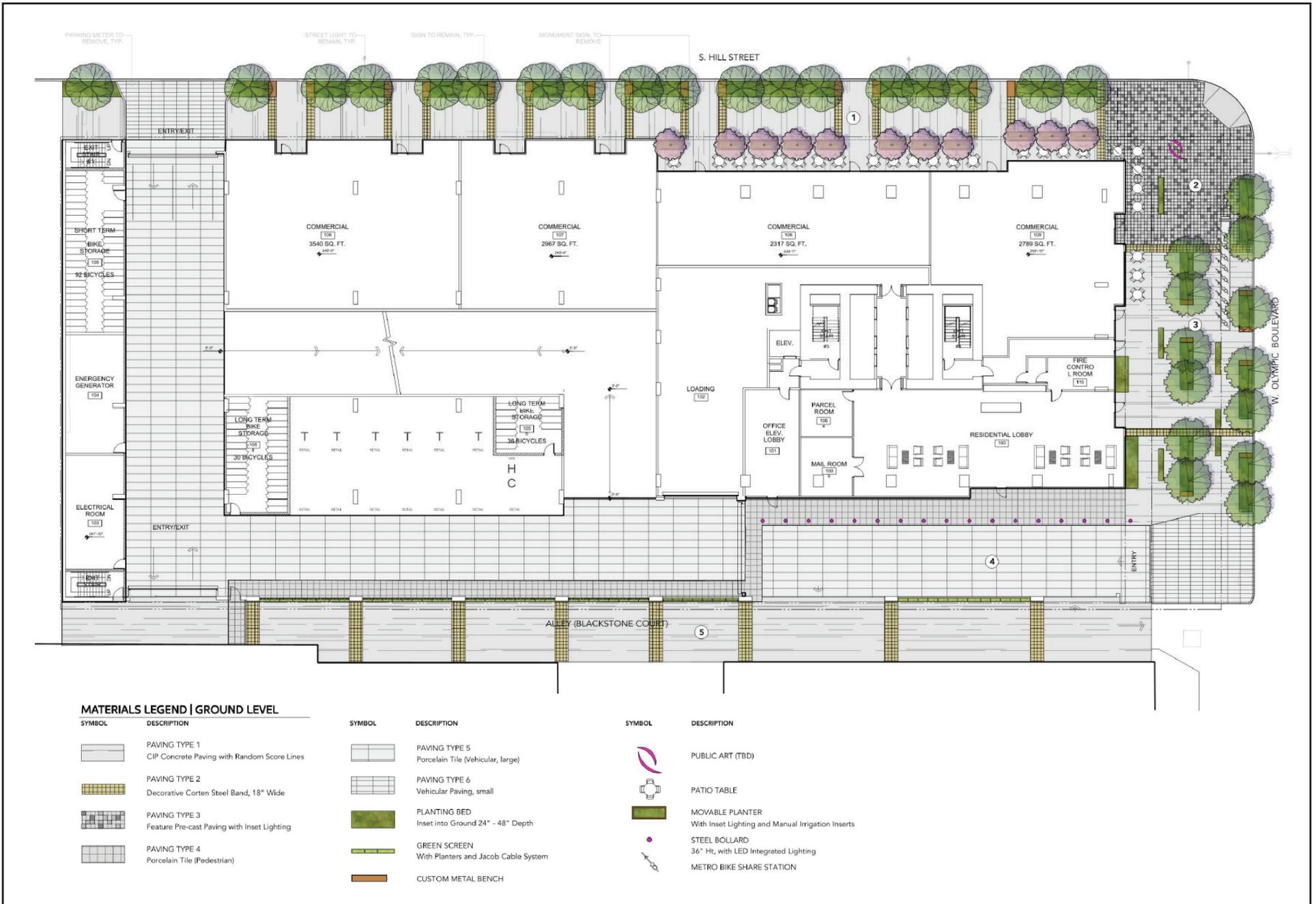
Per the Greater Downtown Housing Incentive Area, LAMC Section 12.22 C.3(a), no yard requirements apply to lots in the R5 Zone that are located in the Greater Downtown Housing Incentive Area, except as required by the Downtown Design Guide (DDG). The Downtown Design Guidelines encourages variations in setbacks along street frontages. The Project Site is located on the southeast corner of Olympic Boulevard and Hill Street. Olympic Boulevard is classified as a “Retail Street,” as defined in Figure 3-1 of the Downtown Design Guide. The building would have a zero foot setback along Hill Street, a 2-foot dedication along Blackstone Court, and a 21-foot dedication with an 8-foot sidewalk easement along Olympic Boulevard pursuant to the Downtown Design Guidelines.

## OPEN SPACE AND LANDSCAPING

The open space requirements and amount of open space proposed for the Proposed Project are summarized in Table II-3, Summary of Required and Proposed Open Space Areas, below. The Proposed Project would be required to provide 85,550 square feet of open space. The Project Site would provide 86,976 square feet of open space throughout the ground-floor lobby area, Level 5 landscaped deck and amenity area, and in private residential balconies. See Figure II-9 – Level 5 Floor Plan (Amenity Deck). The Proposed Project would also provide one tree per every four units for a total of 175 required trees on-site. The Project proposes to plant 184 trees on-site in accordance with LAMC. There are a total of seven existing street trees in the public right-of-way adjacent to the property along Hill Street and Olympic Boulevard, which would be removed during construction. The removal and replacement of any trees within the public right-of-way would require consultation with the City of Los Angeles Division of Urban Forestry and approval by the Board of Public Works. Illustrations depicting the conceptual landscape plan is shown in Figure II-14 and Figure II-15.

**Table II-3**  
**Summary of Required and Proposed Open Space Areas**

LAMC Open Space Requirements	Dwelling Units	Required Open Space (square feet)
Less than 3 Habitable Rooms (100 sf/du) <sup>a</sup>	140	14,000
3 Habitable Rooms (125 sf/du) <sup>b</sup>	529	66,125
More than 3 Habitable Rooms (175 sf/du) <sup>c</sup>	31	5,425
<b>TOTAL:</b>	<b>700</b>	<b>85,550</b>
Proposed Open Space Area	Proposed Open Space (square feet)	
Level 1 – Lobby Lounge	2,295	
Level 5 – Landscaped Roof Deck	34,253	
Level 5 & 5M – Amenity Area	15,428	
Private Residential Balconies	35,000	
<b>TOTAL:</b>	<b>86,976 square feet</b>	
<i>Notes: du = dwelling unit; sq = square feet</i> <sup>a</sup> Includes studio units. <sup>b</sup> Includes 1-bedroom plus den units and 2-bedroom units. <sup>c</sup> Includes 2-bedroom plus den units, sub-penthouse units, and the penthouse unit. Source: Chris Dikeakos Architectural Corp., January 23, 2018.		



Source: Enns Gauthier Landscape Architects, January 23, 2018.



Source: Enns Gauthier Landscape Architects, January 23, 2018.

## PARKING AND ACCESS

Parking for the proposed retail and residential uses on-site will be provided in the seven levels of subterranean parking, on the ground level, and levels one through four above grade. Vehicular access to the Project Site would be provided via one driveway on Hill Street at the southern end of the Project Site and one driveway along Blackstone Court (alley). A valet drop off service would also be located along Blackstone Court on the northeast portion of the Project Site. The parking areas are depicted in Figure II-12, Building Sections and Figure II-13, Architectural Renderings, Podium Level.

The Project Site is located within the Central City Parking Exception area (LAMC Section 12.21 A 4 (p)), which permits one (1) space for each dwelling unit, except where there are more than six (6) dwelling units of more than three (3) habitable rooms per unit on any lot, the ratio of parking spaces required for all of such units shall be at least one and one-quarter (1¼) parking spaces for each dwelling unit of more than three (3) habitable rooms. The Project Site is also located in the Downtown Parking District, which establishes parking for certain non-residential uses. Pursuant to the Downtown Parking District, one (1) parking space is required per 1,000 square feet of commercial uses. Table II-4, Summary of Required and Proposed Vehicle Parking Spaces, provides a summary of the LAMC parking requirements and amount of parking proposed for the residential and commercial uses.

**Table II-4  
Summary of Required and Proposed Vehicle Parking Spaces**

Description	Quantity	Parking Required		Parking Provided
		Rate	Spaces	
<b>Residential</b>				
Units with 3 or less Habitable Rooms	140	1 per du <sup>a</sup>	140	140
Units with more than 3 Habitable Rooms	560	1.25 per du <sup>a</sup>	700	700
<i>Subtotal Residential</i>	<b>700 du</b>		<b>840</b>	<b>840</b>
<b>Commercial</b>				
Retail/Restaurant	15,000 sf	1 per 1,000 sf <sup>b</sup>	<b>15</b>	<b>15</b>
<b>Parking Provided for Adjacent Property <sup>c</sup></b>			<b>220</b>	<b>220</b>
<b>TOTAL</b>			<b>1,075</b>	<b>1,075</b>
<i>Notes:</i>				
<i>du = dwelling unit, sf = square feet</i>				
<sup>a</sup> <i>Parking requirements as calculated by the Central City Parking District (CCPD) exceptions to the rates presented in Los Angeles Municipal Code (LAMC) Section 12.21 A 4 (a-f), City of Los Angeles, revised July 24, 2013.</i>				
<sup>b</sup> <i>Developments within the Downtown Parking District need to provide 1 parking space for every 1,000 sf of commercial uses, in excess of 7,500 square feet of commercial space. (LAMC 12.21 A 4 (i)(3)).</i>				
<sup>c</sup> <i>220 parking spaces are proposed to serve the adjacent office building at 1023 Broadway.</i>				
<i>Source: Chris Dikeakos Architectural Corp, January 23, 2018.</i>				

As summarized in Table II-4, above, the Proposed Project would provide a total of 1,075 parking spaces, which includes: 840 residential spaces, 15 commercial spaces, and 220 reserved spaces to accommodate the adjacent office building at 1023 Broadway, which is legally non-conforming and currently has no parking. The Proposed Project would provide 1,075 spaces, which meets the minimum applicable parking requirements of the LAMC.

The Proposed Project provides on-site bicycle parking for short-term and long-term bike storage. As summarized in Table II-5, below, the Proposed Project would be consistent with the applicable parking requirements of the LAMC for bicycle parking spaces. In the event the number of dwelling units is reduced from the current plans, the amount of vehicle and bicycle parking would be revised accordingly to meet the code requirements.

**Table II-5  
Summary of Required and Proposed Bicycle Parking Spaces**

Description	Quantity	Parking Required <sup>[a]</sup>		Total Spaces Required	Total Spaces Provided
		Short Term	Long Term		
<b>Residential</b>		<b>(1 per 10 DUs)</b>	<b>(1 per DU)</b>		
Dwelling Units	700 du	70	700	770	770
<b>Commercial</b>		<b>(1 per 2,000 sf)</b>	<b>(1 per 2,000 sf)</b>		
Retail/Restaurant	15,000 sf	8	8	16	16
<b>TOTAL</b>		<b>78</b>	<b>708</b>	<b>786</b>	<b>786</b>
<i>Notes:</i>					
<i>du = dwelling unit, sf = square feet</i>					
<i><sup>[a]</sup> LAMC 12.21 A.16. Bicycle Parking and Shower Facilities.</i>					
<i>Source: Chris Dikeakos Architectural Corp, January 23, 2018.</i>					

## CONSTRUCTION

### *Construction Schedule/Phasing*

For purposes of analyzing impacts associated with air quality, this analysis assumes a Project construction schedule of approximately 30 months, with final buildout occurring in 2022. Construction activities associated with the Project would be undertaken in five main steps: (1) demolition/site clearing; (2) excavation, grading, and foundations; (3) vertical building construction; (4) finishing and architectural coatings; and (5) paving/landscaping. All construction activities would be performed in accordance with all applicable state and federal laws and City Codes and policies with respect to building construction and activities. As provided in Section 41.40 of LAMC, the permissible hours of construction within the City are 7:00 a.m. to 9:00 p.m. Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on any Saturday or national holiday. No construction activities are permitted on Sundays. The Proposed Project would comply with these restrictions. Mitigation Measure N-1 would further restrict construction and demolition to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.

### *Site Clearing Phase*

This phase would include the demolition and removal of the existing asphalt covered surface parking lot. In addition, this phase may include the removal of street trees, walls, fences, and associated debris. The site clearing would be completed in approximately one week.

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***Excavation, Grading and Foundation Phase***

After the completion of demolition/site clearing, the excavation phase for the Proposed Project would occur for approximately six months and would involve the cut and fill of land to ensure the proper base and slope for the building foundations. The Proposed Project would require approximately 206,100 cubic yards (cy) of soil to be hauled off-site in order to build the subterranean parking garage. Haul trips would occur outside of the peak hours and during the permissible hauling hours identified in the haul route to be approved by the Deputy Advisory Agency as part of the Tract Map approval.

***Building Construction Phase***

The building construction phase consists of below grade and above grade structures and is expected to occur for approximately 18 months. The building construction phase includes the construction of the proposed building, connection of utilities to the building, building foundations, basement walls, parking structure, laying irrigation for landscaping, and landscaping the Project Site.

Construction activities may necessitate temporary lane closures on streets adjacent to the Project Site on an intermittent basis for utility relocations/hook-ups, delivery of materials, and other construction activities as may be required. However, site deliveries and the staging of all equipment and materials would be organized in the most efficient manner possible on-site to mitigate any temporary impacts to the neighborhood and surrounding traffic. Construction equipment would be staged on-site for the duration of construction activities. Traffic lane and right-of-way closures, if required, will be properly permitted by the City agencies and will conform to City standards.

***Finishing/Architectural Coating Phase***

The finishing/architectural coating phase is expected to occur over approximately four months. During this phase, interior cabinets and lighting fixtures would be installed, interior and exterior wall finishing's and paint would be applied, and the installation of windows, doors, cabinetry, and appliances within the residential units.

***Paving and Landscaping Phase***

The final phase of construction would entail paving the sidewalks and installing hardscape and landscaping features throughout the common areas. Paving also involves the laying of concrete or asphalt along the adjacent roads, setbacks, and alleyway. This phase is expected to occur during the final month of construction.

***Haul Trucks***

All construction and demolition debris would be recycled to the maximum extent feasible. Demolition debris and soil materials from the Site that cannot be recycled or diverted would be hauled to the Sunshine Canyon or Chiquita Canyon landfills, which accept construction and demolition debris and inert waste from areas within the City of Los Angeles. For recycling efforts, Downtown Diversion (operated by Waste Management, Inc.) accepts construction and demolition waste for recycling and is located

approximately 2.2 miles southeast of the Project Site (approximately 4.4 miles round trip).<sup>6</sup> For soil hauling, it is anticipated that soil exported from the Project Site would be deposited at a donor or receiving site within a close proximity to the Project Site. In the event a donor site is not identified at the time of excavation, soil would be transported approximately 24 miles to the Azuza Land Reclamation Management Facility, which accepts soil and inert construction and demolition debris.

Approval of a haul route will be required prior to construction. For purposes of analyzing the construction-related impacts, it is anticipated that the excavation and soil export would involve haul trucks with up to a 14 cubic yard hauling capacity. All truck staging would either occur on-site or at designated off-site locations and radioed into the site to be filled.

Hauling hours are anticipated to be 7:00 AM to 4:00 PM, Monday through Friday, and 8:00 AM to 6:00 PM on Saturdays. The haul route for the project will be subject to final approval by the Deputy Advisory Agency, but will most likely be southbound on either Hill Street or Broadway to the I-10 Freeway. Trucks are expected to be staged on-site or in the roadway, where parking and travel lanes would be temporarily closed.

#### *Delivery Trucks*

In addition to haul trucks, the site is also expected to generate equipment and delivery trucks during both phases. One example would be concrete delivery. Other materials could include plumbing supplies, electrical fixtures, and items used in furnishing the building. These materials would be delivered to the site and stored on-site. These deliveries are expected to occur in variously sized vehicles including small delivery trucks to cement mixer trucks and 18-wheel trucks. Additionally, construction equipment would have to be delivered to the site. This equipment could include cranes, bulldozers, excavators, and other large items of machinery. Most of the heavy equipment is expected to be transported to the site on large trucks such as 18-wheelers or other similar vehicles.

#### *Construction Worker Parking*

During the site preparation phase and the first portion of the building construction, while the parking levels are under construction, construction employees will park in a parking lot nearby.

## **RELATED PROJECTS**

In accordance with CEQA Guidelines Section 15064(h), this IS/MND includes an evaluation of the Project's cumulative impacts. The guidance provided under CEQA Guidelines Section 15064 (h) is as follows:

*“(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant*

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<sup>6</sup> *Construction and Demolition Debris Recycling Facilities in Los Angeles County, website: [https://dpw.lacounty.gov/epd/CD/cd\\_attachments/Recycling\\_Facilities.pdf](https://dpw.lacounty.gov/epd/CD/cd_attachments/Recycling_Facilities.pdf), accessed May 2017.*

*and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.*

*(2) A lead agency may determine in an initial study that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. When a project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures set forth in a mitigated negative declaration, the initial study shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable.*

*(3) A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.*

*(4) The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable."*

In light of the guidance summarized above, an adequate discussion of a project's significant cumulative impact, in combination with other closely related projects, can be based on either: (1) a list of past, present, and probable future producing related impacts; or (2) a summary of projections contained in an adopted local, regional, statewide plan, or related planning document that describes conditions contributing to the cumulative effect. (CEQA Guidelines Section 15130(b)(1)(A)-(B)). The lead agency may also blend the "list" and "plan" approaches to analyze the severity of impacts and their likelihood of occurrence. Accordingly, all proposed, recently approved, under construction, or reasonably foreseeable projects that could produce a related or cumulative impact on the local environment, when considered in conjunction with the Project, were identified for evaluation.

The related projects identified are included in Table II-6, Related Projects List, below. A total of 111 related projects were identified within the affected Project area. An analysis of the cumulative impacts associated with these related projects and the Project are provided under each individual environmental impact category in Section III of this IS/MND. The locations of the related projects are shown in Figure II-16, Location of Related Projects.

<b>TABLE 6 OLYMPIC &amp; HILL PROJECT RELATED PROJECTS</b>										
<b>No.</b>	<b>Project Location</b>	<b>Land Use</b>	<b>Size</b>		<b>Estimated Trip Generation [a]</b>					
					<b>AM Peak Hour Trips</b>			<b>PM Peak Hour Trips</b>		
					<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
1	400 W Washington Bl	School	21300	Enrollment	336	127	463	574	268	842
2	225 S Los Angeles St	Condominiums	300	Units	88	136	224	75	52	126
		Retail	3.4	ksf						
3	1027 W Wilshire Blvd	Condominiums	402	Units	21	92	113	83	53	136
		Retail	4728	ksf						
4	1133 S Hope St	Other			20	74	94	91	50	141
5	437 S Hill St	Apartments	600	Units	44	122	167	162	97	259
		Other	13.872	ksf						
6	1115 S Hill St	Mixed Use			-45	40	-5	50	-7	43
7	1102 W 6th St	Apartments	648	Units	61	195	256	232	155	387
		Retail	39.996	ksf						
8	2455 S Figueroa St	Apartments	145	Units	8	51	59	54	28	82
9	1130 W Wilshire Blvd	Office	88.224	ksf	92	12	104	28	61	89
		Other	2	ksf						
		Other	0.248	ksf						
		Other	5.375	ksf						
10	848 S Grand Av	Condominiums	420	Units	66	144	210	212	165	377
		Retail	38.5	ksf						
		Mixed Use								
11	1430 Beverly Blvd	Apartments	144	Units	13	49	60	47	25	73
12	250 S Hill St	Condominiums	330	Units	21	73	94	66	42	108
		Retail	12	ksf						
13	902 W Washington Blvd	Other	142	Units	2	25	27	35	16	51
14	900 W Wilshire Bl	Mixed Use			725	75	800	94	764	858
15	220 E Washington Bl	Retail	7.75	ksf	38	118	156	125	53	178
		Other	7.75	ksf						
		Apartments	357	Units						
		Mixed Use								
16	2100 S Figueroa St	Condominiums	291	Units	-82	66	-16	67	-28	39
		Retail	7.134	ksf						
17	1435 W 3rd St	Apartments	122	Units	11	42	53	41	25	66
		Retail	5	ksf						
18	899 S Francisco St	Condominiums	836	Units	307	318	625	387	512	899
		Office	988.23	ksf						
		Other	480	Rooms						
		Retail	49	ksf						
		Mixed Use								
19	150 N Los Angeles St	Office	712.5	ksf	930	118	1048	435	942	1374
		Retail	35	ksf						
		Other	2.5	ksf						
20	1300 S Hope St	Apartments	419	Units	88	105	194	136	102	238
		Retail	42	ksf						
21	928 S Broadway	Apartments	670	Units	21	229	250	272	109	381
		Condominiums	17	Units						
		Retail	58.8	ksf						

No.	Project Location	Land Use	Size	Estimated Trip Generation [a]					
				AM Peak Hour Trips			PM Peak Hour Trips		
				In	Out	Total	In	Out	Total
22	1200 S Grand Av	Apartments	640 Units	92	148	240	181	134	315
		Retail	45 ksf						
23	1329 W 7th St	Apartments	94 Units	13	37	53	39	22	61
		Retail	2 ksf						
24	534 S Main St	Apartments	160 Units	52	75	127	87	58	145
		Retail	18 ksf						
		Other	3.5 ksf						
		Other	3.5 ksf						
25	840 S Olive St	Condominiums	303 Units	81	166	247	174	96	270
		Other	9.68 ksf						
		Retail	1.5 ksf						
26	950 E 3rd St	School	532 Other	162	177	339	245	212	458
		Retail	30.062 ksf						
		Apartments	635 Units						
27	1057 S San Pedro St	Other	254.5 ksf	837	434	1271	632	957	1589
		Retail	224.86 ksf						
		Other	744 Seats						
		Apartments	877 Units						
		Condominiums	68 Units						
		Other	210 Rooms						
		Office	217.38 ksf						
		Office	77.264 ksf						
28	1700 W Olympic Bl	Other	160 Rooms	44	32	76	45	42	87
29	233 W Washington Bl	Apartments	160 Units	25	66	81	89	71	160
		Retail	24 ksf						
30	400 S Broadway	Apartments	450 Units	36	147	183	139	73	212
		Retail	7.5 ksf						
		Other	5 ksf						
31	920 S Hill St	Apartments	239 Units	23	84	107	87	50	137
		Retail	5.4 ksf						
32	955 S Broadway	Apartments	201 Units	21	72	93	74	43	117
		Retail	6 ksf						
33	1212 S Flower St	Condominiums	730 Units	78	233	311	229	121	350
		Retail	10.5 ksf						
		Office	70.465 ksf						
34	820 S Olive St	Apartments	589 Units	63	202	264	195	106	302
		Retail	4.5 ksf						
35	601 S Main St	Condominiums	452 Units	36	144	179	152	87	238
		Retail	25 ksf						
36	1111 S Broadway	Mixed Use		144	176	319	258	274	532
37	1148 S Broadway	Apartments	94 Units	8	30	38	21	18	50
		Retail	2.5 ksf						
38	1120 S Grand Av	Apartments	666 Units	42	127	170	136	93	229
		Other	0 Rooms						
39	1230 S Olive St	Apartments	362 Units	31	126	157	127	69	196
		Retail	4 ksf						
40	1247 S Grand Av	Apartments	118 Units	10	41	51	42	25	67
		Retail	5.125 ksf						
41	1400 S Figueroa St	Apartments	106 Units	10	38	48	39	22	61
		Retail	4.834 ksf						
42	1550 W 8th St	Office	33.957 ksf	29	4	33	6	26	32

No.	Project Location	Land Use	Size		Estimated Trip Generation [a]					
					AM Peak Hour Trips			PM Peak Hour Trips		
					In	Out	Total	In	Out	Total
43	940 S Figueroa St	Theatre	1942	Seats	5	4	9	99	35	134
		Other	10.056	ksf						
		Other	5.119	ksf						
44	1036 S Grand Av	Other	7.149	ksf	2	3	5	27	14	41
45	963 E 4th St	Office	78.6	ksf	106	22	128	113	138	251
		Retail	25	ksf						
		Other	20	ksf						
46	1335 W 1st St	Apartments	101	Units	10	40	50	42	24	66
		Retail	3.514	ksf						
47	1150 W Wilshire Blvd	Apartments	80	Units	-22	26	4	39	-5	34
		Other	4.589	ksf						
48	737 S Spring St	Apartments	320	Units	72	141	213	167	116	283
		Other	25	ksf						
49	1218 W Ingraham St	Apartments	80	Units	8	33	41	33	17	50
50	555 S Mateo St	Retail	153	ksf	5	30	35	220	205	425
51	1147 E Palmetto	Mixed Use			73	141	215	147	83	230
52	742 S Hartford Av	Apartments	58	Units	5	21	26	20	11	31
53	732 S Spring St	Apartments	400	Units	59	152	211	164	104	268
		Other	15	ksf						
54	340 S Hill St	Apartments	428	Units	34	129	163	141	79	219
		Other	6.7	ksf						
55	1728 W 7th St	Other	9.6	ksf	-30	-40	-70	50	14	64
		Other	3.5	ksf						
56	1145 W 7th St	Condominiums	126	Units	4	66	70	67	35	102
		Apartments	100	Units						
		Retail	7.2	ksf						
57	360 S Alameda St	Apartments	55	Units	25	33	58	35	26	61
		Other	2.5	ksf						
		Other	6.3	ksf						
58	1900 S Broadway	Condominiums	900	Units	390	552	942	637	566	1203
		Apartments	550	Units						
		Other	210	Rooms						
		Retail	143.1	ksf						
		Office	180	ksf						
		Other	17.6	ksf						
		Other	8	ksf						
59	1302 W Washington Bl	Other	16.572	ksf	-33	-18	-51	21	12	33
60	1929 W Pico Bl	School	480	Enrollment	140	66	206	20	42	62
61	118 S Astronaut E.S. Onizuka S	Apartments	77	Units	-1	20	19	19	6	25
62	1525 E Industrial St	Apartments	328	Units	58	73	131	86	69	155
		Office	27.3	ksf						
		Retail	6.4	ksf						
		Other	5.7	ksf						
63	649 S Wall St	Office	66	Employees	24	5	29	3	24	27
		Other	55	Beds						
64	300 S Main St	Apartments	471	Units	143	243	386	257	153	410
		Other	27.78	ksf						
		Retail	5.19	ksf						
65	850 S Hill St	Mixed Use	300	Units	28	106	134	116	65	181
		Retail	3.5	ksf						
		Other	3.5	ksf						

No.	Project Location	Land Use	Size		Estimated Trip Generation [a]					
					AM Peak Hour Trips			PM Peak Hour Trips		
					In	Out	Total	In	Out	Total
66	400 S Alameda St	Other	66	Rooms	19	17	36	23	14	37
		Other	2.13	ksf						
		Retail	840	ksf						
67	700 W 9th St	Condominiums	629	Units	37	146	183	143	95	238
		Retail	27	ksf						
68	649 S Olive St	Other	241	Rooms	6	44	109	63	60	123
69	1111 W 6th St	Apartments	369	Units	-71	117	46	104	-51	53
		Other	18.6	ksf						
		Other	2.2	ksf						
		Other	1.2	ksf						
70	1633 W 11th St	School	460	Seats	194	158	352	29	37	66
71	1229 S Grand Av	Condominiums	161	Units	23	62	85	62	33	95
		Other	3	ksf						
72	675 S Bixel St	Apartments	425	Units	74	173	247	184	116	300
		Other	126	Rooms						
		Retail	4.874	ksf						
73	740 S Hartford Av	Apartments	80	Units	7	30	37	29	15	45
74	1235 W 7th St	Condominiums	303	Units	23	95	118	100	54	154
		Retail	5.96	ksf						
75	940 S Hill St	Apartments	232	Units	20	80	100	115	53	168
		Other	14	ksf						
76	1322 W Linwood Ave	Apartments	84	Units	5	30	35	28	14	42
77	719 E 5th St	Apartments	160	Units	15	58	73	61	37	96
		Retail	7.5	ksf						
78	1340 S Olive St	Apartments	156	Units	51	82	133	89	57	146
		Retail	5	ksf						
		Other	10	ksf						
79	1334 S Flower St	Apartments	146	Units	-1	49	48	51	16	67
		Other	6.27	ksf						
80	929 E 2nd St	Retail	40.034	ksf	61	9	70	101	88	189
		Retail	0.985	ksf						
		Other	7.843	ksf						
		Other	10.369	ksf						
		Office	40.249	ksf						
		Other	5.383	ksf						
		Other	0.049	ksf						
81	633 S Spring St	Other	176	Rooms	83	33	116	97	99	196
		Other	8.43	ksf						
		Other	5.29	ksf						
82	1020 S Figueroa St	Condominiums	650	Units	204	274	478	312	227	539
		Other	300	Rooms						
		Retail	40	ksf						
		Other	40	ksf						
83	1800 E 7th St	Apartments	122	Units	26	45	71	45	37	82
		Office	13.6	ksf						
84	720 W Washington Blvd	Apartments	105	Units	7	12	19	13	12	25
85	1400 S Flower St	Apartments	147	Units	-1	49	48	51	17	68
		Retail	6.921	ksf						
86	1930 W Wilshire Blvd	Apartments	478	Units	-44	128	85	103	-41	61
		Other	850	Seats						
		Other	50	Enrollment						
		Other	220	Rooms						

No.	Project Location	Land Use	Size		Estimated Trip Generation [a]					
					AM Peak Hour Trips			PM Peak Hour Trips		
					In	Out	Total	In	Out	Total
87	130 S Beaudry Av	Apartments	230	Units	8	76	84	76	29	105
		Other	9	ksf						
88	495 S Hartford Av	Apartments	220	Units	16	63	79	62	34	96
89	1122 W Washington Bl	Office	60	ksf	107	29	136	57	146	203
90	744 S Figueroa St	Apartments	438	Units	38	148	186	176	94	270
		Retail	10.156	ksf						
91	815 W Olympic Bl	Other	346	Rooms	137	133	270	167	165	332
		Retail	61.149	ksf						
		Office	36256	ksf						
92	243 W Adams Bl	Apartments	300	Units	5	99	104	72	10	82
		Retail	2.5	ksf						
		Other	2.5	ksf						
93	433 S Main St	Condominiums	161	Rooms	85	147	62	66	48	113
		Mixed Use	6.9	ksf						
94	926 W James M Wood Bl	Other	225	Rooms	59	42	101	59	56	115
95	459 S Hartford Av	Apartments	101	Units	15	15	31	22	22	44
96	1100 S Main St	Apartments	379	Units	9	103	112	78	14	92
97	1250 S Figueroa St	Other	25.81	ksf	192	125	317	203	212	415
		Other	1162	Rooms						
		Other	6.573	ksf						
		Other	6.573	ksf						
98	2005 W James M Wood Bl	Other	100	Rooms	24	18	42	20	18	38
99	717 S Maple Ave [b]	Apartments	452	Units	54	190	244	206	124	330
100	527 N Spring St	Retail	2.89	ksf	49	118	167	189	131	320
		Apartments	345	Units						
		Restaurant	11	ksf						
		Retail	23	ksf						
		Retail	21	ksf						
101	333 S. Alameda St [b]	Apartments	994	Units	134	260	394	390	329	719
		Retail	100	ksf						
102	765 Wall St [a]	Office	53.2	ksf	108	82	191	164	141	305
		Apartments	323	Units						
		Retail	8.8	ksf						
		Other	125	Persons						
		Other	66.2	ksf						
103	668 S. Alameda St [a]	Apartments	475	Units	198	356	553	319	204	523
		Retail	45	ksf						
		Warehouse	130	ksf						
104	640 S. Alameda St [a]	Hotel	412	Rooms	1199	1369	2567	1246	1133	2379
		Apartments	1305	Units						
		Office	253.5	ksf						
		School	29.3	ksf						
		Retail	127.6	ksf						
		Art Space	23	ksf						
105	520 S. Mateo St [a]	Apartments	30	Units	77	227	304	255	133	388
		Office	15	ksf						
		Retail	15	ksf						
		Restaurant	15	ksf						
106	1100 E. 5th St [a]	Apartments	218	ksf	22	89	111	131	83	214
		Open Space	22	ksf						
107	330 S. Alameda St [a]	Apartments	186	Units	92	155	248	138	90	227
		Retail	22	ksf						

No.	Project Location	Land Use	Size	Estimated Trip Generation [a]					
				AM Peak Hour Trips			PM Peak Hour Trips		
				In	Out	Total	In	Out	Total
108	232 W 2nd St [a]	Condominiums	107 Units	743	150	893	183	684	867
		Office	534 ksf						
		Retail	7.2 ksf						
109	2222 S. Figueroa St [a]	Condominiums	645 ksf	85	336	421	371	190	561
		Apartments	364 Units						
110	445 South Colyton [b]	Shopping Center	24.95 ksf	103	115	218	132	54	186
		Restaurant	25.38 ksf						
		Hotel	113 rooms						
		Residential	129 du						
		Art Gallery/School	13.5 ksf						
111	747 Warehouse St [b]	Condominiums	310 du	155	167	322	154	178	332
		Retail	11.375 ksf						
		Production Space	117 ksf						

Notes:

ksf = one thousand square feet

DU= dwelling units

n/a = not available

[a] Projects were not included in information provided by LADOT. Projects and land use from LADCP Major Projects Website:

<https://ladcp.maps.arcgis.com/apps/MapJournal/index.html?appid=b06f97ccf94741fdaad27443013eead1>. Trip generation estimates based on ITE rates.

[b] Projects were not included in information provided by LADOT. Projects and land use from third party research. Trip generation estimates based on ITE rates.



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## **II. PROJECT DESCRIPTION**

### **C. ENTITLEMENT REQUESTS**

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The Onni Group (“Owner” and “Applicant”) is requesting approval of the following discretionary actions:

- (1) Pursuant to LAMC Section 14.5.6.B, a Transfer of Floor Area Rights (TFAR) Greater Than 50,000 square feet of floor area for the transfer of approximately 354,319 square feet of floor area;
- (2) Master Conditional Use Permit pursuant to LAMC Section 12.24.W.1 to allow the on-site sale and consumption of a full-line of alcoholic beverages within up to four establishments;
- (3) Site Plan Review pursuant to LAMC Section 16.05 for the construction of 700 residential units;
- (4) Vesting Tentative Tract Map pursuant to LAMC Section 17.15 for merger and re-subdivision of the Project Site for residential and commercial condominium purposes; and
- (5) Haul Route approval (for the export of approximately 206,100 cy of soil) in connection with the tract map approval pursuant to LAMC Section 17.05.

The Applicant will also request approvals and permits from the Department of Building and Safety (and other municipal agencies) for project construction activities which may include, but are not limited to, the following: excavation, shoring, grading, foundation, removal of street trees, and building and tenant improvements for the Project Site.

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## III. ENVIRONMENTAL IMPACT ANALYSIS

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### INTRODUCTION

This section of the Initial Study contains an assessment and discussion of impacts associated with the environmental issues and subject areas identified in the Initial Study Checklist (Appendix G to the State CEQA Guidelines, C.C.R. Title 14, Chapter 3, 15000-15387). The analytical methodology and thresholds of significance are based on the *L.A. CEQA Thresholds Guide (2006)* unless otherwise noted.

### ENVIRONMENTAL IMPACT ANALYSIS

#### I. AESTHETICS

##### **Senate Bill 743 - Environmental Quality: Transit Oriented Infill Projects**

In 2013, the State of California enacted Senate Bill 743 (SB 743),<sup>1</sup> which provides that “aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” Public Resources Code Section 21099 defines a “transit priority area” as an area within one-half mile of a major transit stop that is “existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.” Public Resources Code Section 21064.3 defines “Major Transit Stop” as “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” Public Resources Code Section 21061.3 defines an “Infill Site” as a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. This state law supersedes the aesthetic impact thresholds of significance that were previously adopted in the *L.A. CEQA Thresholds Guide (2006)*. The Project Site is also designated as a transit priority area per the Department of City Planning’s Zoning Information File ZI No. 2452, Transit Priority Areas (TPAs) / Exemptions to Aesthetics and Parking within TPAs Pursuant to CEQA.<sup>2</sup>

The Proposed Project is a mixed-use infill development with 700 residential units and 15,000 square feet of retail/restaurant uses. SB 743 defines an infill site as a lot located within an urban area that has been previously developed, or a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from parcels that are developed with qualified urban

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<sup>1</sup> SB 743 is codified as Public Resources Code Section 21099.

<sup>2</sup> City of Los Angeles, Department of City Planning, Zoning Information File, ZI No. 2452, Transit Priority Areas (TPAs) / Exemptions to Aesthetics and Parking within TPAs Pursuant to CEQA, website: <http://zimas.lacity.org/>, accessed May 2017.

uses. The Project Site meets this definition. The Project Site is served by two nearby Metro Stations within one-half mile of the Project Site. The Pico/Flower Station is located approximately 0.4 miles west of the Project Site and the 7<sup>th</sup> Street/Metro Center Station is located approximately 0.5 miles northwest of the Project Site. Accordingly, the Project's aesthetic impacts shall not be considered significant impacts on the environment pursuant to Public Resources Code Section 21099. The aesthetics analysis below is provided for informational purposes only. While Section 21099 prohibits aesthetic impacts from being considered significant environmental impacts pursuant to CEQA, it does not affect the ability of the City of Los Angeles to implement design review through its ordinances or other discretionary powers.

**a) Would the project have a substantial adverse effect on a scenic vista?**

**Less Than Significant Impact.** As stated above, Senate Bill (SB) 743 was signed into law by Governor Brown in September 2013, which made several changes to CEQA for projects located in areas served by transit. Among other changes, SB 743 eliminates the need to evaluate aesthetic and parking impacts of a project in some circumstances. Specifically, aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered to have a significant impact on the environment.

SB 743 defines a transit priority area as an area within one-half mile of a major transit stop that is existing or planned. A major transit stop is a site containing a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the A.M. and P.M. peak commute periods. An infill site refers to a lot located within an urban area that has been previously developed, or a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from parcels that are developed with qualified urban uses. However, the exemption for aesthetic impacts does not include impacts to historic or cultural resources, per Section 21099 of the Public Resources Code (PRC).

The proposed project is a mixed-use live/work infill development with 700 residential dwelling units and 15,000 square feet of retail/restaurant space. The Project Site is served by two nearby Metro Stations within one-half mile of the Project Site. The Pico/Flower Station is located approximately 0.4 miles west of the Project Site and the 7<sup>th</sup> Street/Metro Center Station is located approximately 0.5 miles northwest of the Project Site, both with frequency of service intervals of 15 minutes or less during the morning and afternoon peak commute periods and are identified as located within a transit priority area. Furthermore, the Project Site does not contain any historic or cultural resources, as discussed in Section V Cultural Resources of this Initial Study. As such, the proposed project meets all criteria specified in Section 21099 of the PRC. Therefore, the project's impact on visual resources, aesthetic character, shade and shadow, light and glare, scenic vistas, State Scenic Highways, and parking are considered less than significant per SB 743.

**b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a city-designated scenic highway?**

**Less Than Significant Impact.** Refer to Response to Checklist Question I (a) above.

**c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?**

**Less Than Significant Impact.** Refer to Response to Checklist Question I (a) above.

**d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

**Less Than Significant Impact.** Refer to Response to Checklist Question I (a) above.

**Cumulative Impacts**

**Less Than Significant Impact.** Refer to Response to Checklist Question I (a) above. The application of Public Resources Code Section 21099 provides that the aesthetic impacts of a mixed-use project, such as the Proposed Project, upon an infill site within a transit priority area shall not be considered significant impacts on the environment. Therefore, cumulative aesthetic impacts would be less than significant. Under SB 743 and ZI No. 2542, aesthetic impacts of the Proposed Project shall not be considered a significant impact on the environment.

**II. AGRICULTURE AND FORESTRY RESOURCES**

**a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**No Impact.** An impact would occur if the Proposed Project would convert valued farmland to non-agricultural uses. The Project Site is located in a highly developed area of Downtown Los Angeles. No farmland or agricultural activity exists on the Project Site, nor are there any farmland or agricultural activities in the vicinity of the Project Site. According to the “Los Angeles County Important Farmland 2014” map, which was prepared by the California Department of Conservation, Division of Land Resource Protection, the soils at the Project Site are not candidate for listing as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.<sup>3</sup> Therefore, no impact to agricultural lands would occur.

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<sup>3</sup> *State of California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, Los Angeles County Important Farmland 2014, Map. [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/los14.pdf](http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/los14.pdf), accessed March 2017.*

**b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?**

**No Impact.** The Project Site is located within the jurisdiction of the City of Los Angeles and is, therefore, subject to the applicable land use and zoning requirements in the Los Angeles Municipal Code (LAMC). The Project Site is currently zoned [Q]R5-4D-O with a General Plan land use designation of High Density Residential and is not zoned for agricultural production, and no farmland activities exist on-site. In addition, no Williamson Act Contracts are in effect for the Project Site.<sup>4</sup> Therefore, no impact would occur.

**c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**No Impact.** The Project Site is zoned [Q]R5-4D-O, which has a land use designation of High Density Residential in the Central City Community Plan Area. The Project Site is not zoned as forestland or timberland, and there is no timberland production at the Project Site. Therefore, no impact would occur.

**d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact.** The Project Site is fully developed and currently contains a surface parking lot. The Project Site is located in a highly developed area of Downtown Los Angeles. There is no significant vegetation on-site. No forested lands or protected vegetation exist on or in the vicinity of the Project Site. Therefore, no impact would occur.

**e) Would the project involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

**No Impact.** Neither the Project Site, nor nearby properties, are currently utilized for agricultural or forestry uses. As discussed above, the Project Site is not classified in any “Farmland” category designated by the State of California. According to the “Los Angeles County Important Farmland 2014” map, which was prepared by the California Department of Conservation, Division of Land Resource Protection, the soils at the Project Site is not candidates for listing as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.<sup>5</sup> Therefore, no impact would occur.

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<sup>4</sup> State of California Department of Conservation, Los Angeles County Williamson Act FY 2015-2016, website: <http://www.conservation.ca.gov/dlrp/lca>, accessed March 2017.

<sup>5</sup> State of California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, Los Angeles County Important Farmland 2014, Map. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/los14.pdf>, accessed March 2017.

## Cumulative Impacts

**No Impact.** Development of the Proposed Project in combination with the related projects would not result in the conversion of State-designated agricultural land from agricultural use to a non-agricultural use, nor result in the loss of any forest land or conversion of forest land to non-forest use. The Los Angeles County Important Farmland 2014 Map maintained by the California Division of Land Resource Protection indicates that the Project Site and the surrounding area are not included in the Important Farmland category.<sup>6</sup> The Project Site is located in an urbanized area in the Central City Community within the City of Los Angeles and does not include any State-designated agricultural lands or forest uses. Therefore, no cumulative impact would occur.

## III. AIR QUALITY

### a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

**Less Than Significant Impact.** A significant air quality impact could occur if the Proposed Project is not consistent with the applicable Air Quality Management Plan (AQMP) or would in some way represent a substantial hindrance to employing the policies or obtaining the goals of that plan. The most recent AQMP was adopted by the Governing Board of the South Coast Air Quality Management District (SCAQMD) on March 3, 2017 (“2016 AQMP”). The 2016 AQMP represents a thorough analysis of existing and potential regulatory control options, includes available, proven, and cost-effective strategies, and seeks to achieve multiple goals in partnership with other entities promoting reductions in greenhouse gasses and toxic risk, as well as efficiencies in energy use, transportation, and goods movement. The 2016 AQMP recognizes the critical importance of working with other agencies to develop funding and incentives that encourage the accelerated transition to cleaner vehicles, and the modernization of buildings and industrial facilities to cleaner technologies in a manner that benefits not only air quality, but also local businesses and the regional economy. In addition, the Southern California Association of Governments (SCAG) recently approved their 2016 RTP/SCS that include transportation programs, measures, and strategies generally designed to reduce vehicle miles traveled (VMT), which are contained within baseline emissions inventory in the 2016 AQMP. The transportation strategy and transportation control measures (TCMs), included as part of the 2016 AQMP and the State Implementation Plan (SIP) for the South Coast Air Basin, are based on SCAG’s 2016 RTP/SCS and Federal Transportation Improvement Program (FTIP). For purposes of assessing a project’s consistency with the AQMP, projects that are consistent with the growth forecast projections of employment and population forecasts identified in the RTP/SCS are considered consistent with the AQMP, since the growth projections contained in the RTP/SCS form the basis of the land use and transportation control portions of the AQMP.

As discussed in Section XIII(a), the Proposed Project is consistent with the regional growth projections for the Los Angeles Subregion and is consistent with the smart growth policies of the 2016 RTP/SCS to increase housing density within close proximity to High-Quality Transit Areas (HQTA). An HQTA is defined as a generally walkable transit village or corridor within one half-mile of a well-served transit

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<sup>6</sup> *Ibid.*

stop or a transit corridor with 15-minute or less service frequency during peak commute hours. The Proposed Project would concentrate new development and jobs within a half of a mile (walking distance) of several Metro bus lines that connect to all regions of the Los Angeles area. Additionally, the Project Site is served by two nearby Metro Stations within one-half mile of the Project Site: the 7<sup>th</sup> Street/Metro Center Station is located approximately 0.5 miles northwest of the Project Site and the Pico/Flower Station is located approximately 0.4 miles west of the Project Site. Thus, the Project's location provides opportunities for employees, guests, and visitors to use public transit to reduce vehicle trips. The Project Site is also located in a Transit Priority Area as defined by CEQA Sections 21099 and 21064.3. Studies by the California Department of Transportation, the U.S. Environmental Protection Agency and the Metropolitan Transportation Commission have found that focusing development in areas served by transit can result in local, regional and statewide benefits including reduced air pollution and energy consumption. The Proposed Project's mixed-use nature and close proximity to neighborhood-serving restaurant/retail land uses and regional transit would result in fewer trips and a reduction to the Proposed Project's vehicle miles traveled (VMTs) as compared to the base trip rates for similar stand-alone land uses that are not located in close proximity to transit. Thus, because the Proposed Project would be consistent with the growth projections and regional land use planning policies of the 2016 RTP/SCS (as discussed in greater detail in response to Checklist Question VII, Greenhouse Gas Emissions), the Proposed Project would not conflict with or obstruct implementation of the 2016 AQMP, and Project impacts would be less than significant.

**b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**Less Than Significant Impact.** A project may have a significant impact where project-related emissions would exceed federal, State, or regional standards or thresholds, or where project-related emissions would substantially contribute to an existing or projected air quality violation.

***Construction Emissions***

For purposes of analyzing impacts associated with air quality, this analysis assumes a construction schedule of approximately 30 months with buildout anticipated in 2022. This assumption is conservative and yields the maximum daily impacts. Construction activities associated with the Proposed Project would be undertaken in five main steps: (1) site clearing; (2) grading/excavation; (3) building construction; (4) architectural coatings; and (5) paving. The entire construction phase includes the demolition/site clearing of the surface parking lot, construction of the proposed building, connection of utilities to the building, and landscaping the Project Site. Construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving foundation preparation would primarily generate PM<sub>2.5</sub> and PM<sub>10</sub> emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the Project Site) would primarily generate NO<sub>x</sub> emissions. The application of architectural coatings would primarily result in the release of ROG/VOC emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

For purposes of this analysis, the following regulatory compliance measures have been identified as being applicable to the Proposed Project's construction activities:

- <sup>a</sup> **Site Clearing, Grading and Construction Activities:** Compliance with provisions of the SCAQMD District Rule 403. The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
- 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 could reduce fugitive dust by as much as 50 percent.
  - 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.
  - 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.
  - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
  - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
  - Trucks having no current hauling activity shall not idle but be turned off.
- <sup>b</sup> In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling of all diesel fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
- <sup>c</sup> In accordance with Section 93115 in Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.
- <sup>d</sup> The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.

As required by CEQA, the Proposed Project's construction emissions were quantified utilizing the California Emissions Estimator Model (CalEEMod *Version 2016.3.2*) as recommended by the SCAQMD. Table III-1, Estimated Peak Daily Construction Emissions, identifies daily emissions that are estimated to occur on peak construction days for each phase of the Proposed Project construction. These calculations assume that appropriate dust control measures would be implemented as part of the Proposed Project during each phase of development, as required and regulated by SCAQMD.

As shown in Table III-1, construction-related daily emissions associated with the Proposed Project would not exceed any regional SCAQMD significance thresholds for criteria pollutants during the construction phases. Therefore, construction impacts are considered to be less than significant.

**Table III-1  
Estimated Peak Daily Construction Emissions**

Emission Source	Emissions in Pounds per Day					
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Site Clearing</b>						
On-Site Fugitive Dust	--	--	--	--	2.61	1.33
On-Site Off-Road (Diesel Equipment)	2.33	24.66	11.80	0.02	1.22	1.14
Off Site (Hauling, Vendor, Worker)	0.36	11.31	2.57	0.03	0.77	0.24
<b>Total Emissions</b>	<b>2.69</b>	<b>35.97</b>	<b>14.37</b>	<b>0.05</b>	<b>4.60</b>	<b>2.71</b>
<b>SCAQMD Thresholds</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Grading/Excavation</b>						
On-Site Fugitive Dust	--	--	--	--	2.79	1.50
On-Site Off-Road (Diesel Equipment)	2.38	27.50	13.22	0.03	1.22	1.12
Off Site (Hauling, Vendor, Worker)	2.14	71.56	14.83	0.19	11.62	3.18
<b>Total Emissions</b>	<b>4.52</b>	<b>99.06</b>	<b>28.05</b>	<b>0.22</b>	<b>15.63</b>	<b>5.80</b>
<b>SCAQMD Thresholds</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Building Construction</b>						
On-Site Off-Road Diesel Equipment	3.41	25.71	23.29	0.04	1.49	1.45
Off Site (Hauling, Vendor, Worker)	4.08	14.02	31.05	0.10	8.49	2.36
<b>Total Emissions</b>	<b>7.49</b>	<b>39.73</b>	<b>54.34</b>	<b>0.14</b>	<b>9.98</b>	<b>33.81</b>
<b>SCAQMD Thresholds</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Architectural Coating</b>						
On-Site Architectural Coating	44.61	--	--	--	--	--
On-Site Off-Road Diesel Equipment	1.39	10.36	11.43	0.02	0.67	0.66
Off-Site Hauling/Vendor/Worker Trips	0.85	5.70	6.47	0.03	1.90	0.54
<b>Total Emissions</b>	<b>46.85</b>	<b>16.06</b>	<b>17.90</b>	<b>0.05</b>	<b>2.57</b>	<b>1.20</b>
<b>SCAQMD Thresholds</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Paving</b>						
On-Site Off-Road (Diesel Equipment)	0.77	7.74	8.86	0.01	0.42	0.38
Off Site (Hauling, Vendor, Worker)	0.13	2.42	1.07	<0.01	0.31	0.09
<b>Total Emissions</b>	<b>0.90</b>	<b>10.16</b>	<b>9.93</b>	<b>0.01</b>	<b>0.73</b>	<b>0.47</b>
<b>SCAQMD Thresholds</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<i>Note: Calculations assume compliance with SCAQMD Rule 403 – Fugitive Dust and Rule 1113 – Architectural Coatings. Calculation sheets are provided in Appendix A to this IS/MND. Parker Environmental Consultants, 2017.</i>						

### **Operational Emissions**

The existing Project Site currently consists of a surface parking lot that accommodates existing parking demand in the vicinity. Therefore, this analysis assumes there are no existing air quality emissions from the Project Site as the vehicle parking at the Project Site are originating from other land uses in the area.

The Proposed Project would result in the site clearing of the existing surface parking lot and the development and operation of a high-rise mixed-use building with 700 residential dwelling units and approximately 15,000 square feet of ground floor commercial space. Operational emissions generated by both stationary and mobile sources would result from normal day-to-day activities of the Proposed Project. Area source emissions would be generated by the consumption of natural gas and landscape maintenance. New on-site facility nitrogen oxide emissions shall be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers and water heaters) as required by South Coast Air Quality Management District Regulation XIII, New Source Review. Mobile emissions would be generated by the motor vehicles traveling to and from the Project Site.

The analysis of daily operational emissions associated with the Proposed Project has been prepared utilizing CalEEMod (*Version 2016.3.2*) recommended by the SCAQMD. The results of these calculations are presented in Table III-2, Estimated Daily Operational Emissions. As shown, the operational emissions generated by the Proposed Project would not exceed the regional thresholds of significance set by the SCAQMD. Therefore, impacts associated with regional operational emissions from the Proposed Project would be less than significant.

**Table III-2  
Proposed Project Estimated Daily Operational Emissions**

Emissions Source	Emissions in Pounds per Day					
	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Summertime (Smog Season) Emissions</b>						
Area	17.47	12.28	62.87	0.08	1.26	1.26
Energy	0.25	2.13	1.11	0.01	0.17	0.17
Mobile Sources	5.74	29.02	73.59	0.28	22.86	6.26
<b>NET Project Emissions</b>	<b>23.46</b>	<b>43.43</b>	<b>137.57</b>	<b>0.37</b>	<b>24.29</b>	<b>7.69</b>
<b>SCAQMD Thresholds</b>	<b>55</b>	<b>55</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Potentially Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Wintertime (Non-Smog Season) Emissions</b>						
Area	17.47	12.28	62.87	0.08	1.26	1.26
Energy	0.25	2.13	1.11	0.01	0.17	0.17
Mobile Sources	5.45	29.54	68.99	0.26	22.86	6.26
<b>NET Project Emissions</b>	<b>23.17</b>	<b>43.95</b>	<b>132.97</b>	<b>0.35</b>	<b>24.29</b>	<b>7.69</b>
<b>SCAQMD Thresholds</b>	<b>55</b>	<b>55</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Potentially Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<i>Note: Calculation worksheets are provided in Appendix A to this IS/MND. Parker Environmental Consultants, 2017.</i>						

- c) **Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative threshold for ozone precursors)?**

**Less Than Significant Impact.** Based on the *L.A. CEQA Thresholds Guide*, a significant impact may occur if a project adds a considerable cumulative contribution to federal or State non-attainment pollutants. As the Basin is currently in State non-attainment for ozone, PM<sub>10</sub> and PM<sub>2.5</sub>, related projects could exceed an air quality standard or contribute to an existing or projected air quality exceedance. In regards to determining the significance of the Project incremental contribution to cumulative air quality emissions, the SCAQMD neither recommends quantified analyses of construction and/or operational emissions from multiple development projects nor provides methodologies or thresholds of significance to be used to assess the cumulative emissions generated by multiple cumulative projects. Instead, the SCAQMD recommends that a project's potential contribution to cumulative impacts should be assessed utilizing the same significance criteria as those for project-specific impacts. Furthermore, SCAQMD states that if an individual development project generates less than significant construction or operational emissions, then the development project would not generate a cumulatively considerable increase in emissions for those pollutants for which the Basin is in non-attainment. As discussed under Question III(b) above, the Proposed Project would not generate construction or operational emissions that exceed the SCAQMD's recommended regional thresholds of significance. Therefore, the Proposed Project would not generate a cumulatively considerable increase in emissions of the pollutants for which the Basin is in non-attainment, and impacts would be less than significant.

- d) **Would the project expose sensitive receptors to substantial pollutant concentrations?**

**Less Than Significant Impact.** Based on the *L.A. CEQA Thresholds Guide*, a significant impact may occur if a project were to generate pollutant concentrations to a degree that would significantly affect sensitive receptors. Sensitive receptors are populations that are more susceptible to the effects of air pollution than are the population at large. The SCAQMD identifies the following as sensitive receptors: long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, child care centers, and athletic facilities.<sup>7</sup>

### ***Localized Significance Thresholds***

The SCAQMD has developed localized significance thresholds (LSTs) that are based on the amount of pounds of emissions per day that can be generated by a project that would cause or contribute to adverse localized air quality impacts. These localized thresholds, which are found in the mass rate look-up tables in the "Final Localized Significance Threshold Methodology" document prepared by the SCAQMD,<sup>8</sup> apply to projects that are less than or equal to five acres in size and are only applicable to the following

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<sup>7</sup> *South Coast Air Quality Management District, CEQA Air Quality Handbook, 1993, page 5-1.*

<sup>8</sup> *South Coast Air Quality Management District, Final Localized Significance Threshold Methodology, June 2003, Revised July 2008.*

criteria pollutants: NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standards, and are developed based on the ambient concentrations of that pollutant for each SRA. For PM<sub>10</sub>, the LSTs were derived based on requirements in SCAQMD Rule 403 — Fugitive Dust. For PM<sub>2.5</sub>, the LSTs were derived based on a general ratio of PM<sub>2.5</sub> to PM<sub>10</sub> for both fugitive dust and combustion emissions.

LSTs are provided for each of SCAQMD's 38 source receptor areas (SRA) at various distances from the source of emissions. The Project Site is located within SRA 1, which covers the Central Los Angeles area. The nearest sensitive receptors that could potentially be subject to localized air quality impacts associated with construction of the Proposed Project include the surrounding multi-family residences. Given the proximity of these sensitive receptors to the Project Site, the LSTs with receptors located within 25 meters (82.02 feet) are used to address the potential localized air quality impacts associated with the construction-related NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions for each construction phase. Sensitive receptors located further than 25 meters would be less impacted by localized emissions.

#### *Localized Construction Emissions*

Emissions from construction activities have the potential to generate localized emissions that may expose sensitive receptors to harmful pollutant concentrations. However, as shown in Table III-3, Localized On-Site Peak Daily Construction Emissions, peak daily emissions generated within the Project Site during construction activities for each phase would not exceed the applicable construction LSTs for an approximate 1-acre site in SRA 1. These calculations reflect compliance with appropriate dust control measures as part of the Proposed Project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas. Therefore, with implementation of the regulatory code compliance measures identified above, localized air quality impacts from construction activities on the off-site sensitive receptors would be less than significant.

#### *Localized Operational Emissions*

With regard to localized emissions from motor vehicle travel, traffic congested roadways and intersections have the potential to generate localized high levels of carbon monoxide (CO). The SCAQMD suggests conducting a CO hotspots analysis for any intersection where a project would worsen the Level of Service (LOS) to any level below C, and for any intersection rated D or worse where the project would increase the V/C ratio by two percent or more. Based on a review of the Project's Traffic Study, the Proposed Project would not meet these criteria for any of the studied intersections under the Existing Plus Project conditions. As indicated in Table III-34, all 13 signalized intersections are projected to operate at LOS B or better during both peak hours. However, under the Future Plus Project scenario shown in Table III-35, the intersection of Grand Avenue and Olympic Boulevard would degrade from LOS C to LOS D during the p.m. peak hour, resulting in a V/C increase of more than 2% over existing conditions.

The South Coast Air Basin is currently designated as a CO attainment area for both the California Ambient Air Quality Standards (CAAQS) and the National Ambient Air Quality Standards (NAAQS). The Basin has been in attainment for CO since 2007, and CO levels in the Source Receptor Area (SRA) 1 remain substantially below the federal and state standards. The maximum CO levels during 2016 were recorded at 1.9 ppm (one-hour average) and 1.4 ppm (eight-hour average), compared to the thresholds of 20 ppm (one-hour average) and 9.0 (eight-hour average).<sup>9</sup> In its 2003 AQMP, the SCAQMD conducted CO hot-spot analyses at the four worst-case intersections in the Air Basin. The SCAQMD noted that the intersection of Wilshire Boulevard and Veteran Avenue was the most congested intersection in Los Angeles County, with an average daily traffic volume of approximately 100,000 vehicles per day. The data provided in Table 4-10 of Appendix V of the 2003 AQMP shows that the peak modeled CO concentration due to vehicle emissions at all four intersections was 4.6 ppm (one-hour average) and 3.2 (eight-hour average) at Wilshire Boulevard and Veteran Avenue. When added to the existing [2003] background CO concentrations, the worst-case CO levels in the Basin was estimated to be 7.6 ppm (one-hour average) and 5.6 ppm (eight-hour average), respectively, which is below the CO thresholds of significance for both the CAAQS and NAAQS. The AQMP therefore concluded that because the Basin is in attainment for CO, and the studied congested intersections do not exceed state thresholds, CO hotspots are less than significant under extreme conditions. Comparatively, recent ambient CO levels in 2016 are substantially lower than they were in 2013 and the volume of traffic at the intersection of Grand Avenue and Olympic Boulevard is substantially lower than the studied intersections in the 2003 AQMP study.<sup>10</sup> Therefore, it is reasonable to conclude that the Proposed Project would not have the potential to cause or contribute to an exceedance of the California one-hour or eight-hour CO standards of 20 or 9.0 ppm, respectively; or generate an incremental increase equal to or greater than 1.0 ppm for the California one-hour CO standard, or 0.45 ppm for the eight-hour CO standard at any local intersection. Therefore, no further analysis for CO hotspots is warranted and localized operational emissions would be less than significant.

### ***Toxic Air Contaminants (TAC)***

#### *Construction Emissions*

The Proposed Project's construction activities would generate toxic air contaminants in the form of diesel particulate emissions associated with the use of heavy trucks and construction equipment. The SCAQMD has not published guidance directly related to quantitatively assessing health risk impacts associated with construction activities. The dose to which receptors are exposed is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Dose is a function of the concentration of a substance or substances in the environment and the duration of

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<sup>9</sup> The most recent annual ambient air quality data is for the year 2016, <http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/2016-air-quality-data-tables.pdf?sfvrsn=14>

<sup>10</sup> Based on the peak hour data provided in Appendix H to this IS/MND, the ADT at the Olympic Boulevard and Grand Avenue intersection is estimated to be approximately 35,000 as compared to 100,000 ADT at the four study intersections in the 2003 AQMP.

**Table III-3  
Localized On-Site Peak Daily Construction Emissions**

Construction Phase <sup>a</sup>	Total On-site Emissions (Pounds per Day)			
	NO <sub>x</sub> <sup>b</sup>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Site Clearing	24.66	11.80	3.83	2.47
Grading/Excavation	27.50	13.22	4.00	2.62
Building Construction	25.71	23.29	1.49	1.45
Architectural Coatings	10.36	11.43	0.67	0.66
Paving	7.74	8.86	0.42	0.38
<b>SCAQMD Localized Thresholds <sup>c</sup></b>	<b>74</b>	<b>680</b>	<b>5</b>	<b>3</b>
<i>Potentially Significant Impact?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
<ul style="list-style-type: none"> <li>· <i>The localized thresholds for all phases are based on a receptor within a distance of 82 feet (25 meters) in SCAQMD's SRA 1 for a Project Site of 1 acre.</i></li> <li>• <i>The localized thresholds listed for NO<sub>x</sub> takes into consideration the gradual conversion of NO<sub>x</sub> to NO<sub>2</sub>, and are provided in the mass rate look-up tables in the SCAQMD's "Final Localized Significance Threshold Methodology" guidance document. The analysis of localized air quality impacts associated with NO<sub>x</sub> emissions is focused on NO<sub>2</sub> levels as they are associated with adverse health effects.</i></li> </ul> <p><i>Source: CalEEMod 2016.3.2, Calculation sheets are provided in Appendix A to this IS/MND.</i></p>				

exposure to the substances. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the maximally exposed individual. Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a long duration. For example, according to the Office of Environmental Health Hazard Assessment, estimating the cancer risk from toxic air contaminants should be based on a lifetime (i.e., 70-year) exposure period. The construction period would occur over an approximately 30-month period. Therefore, it is not meaningful to evaluate long-term health impacts from construction activities that occur over a relatively short duration. In addition, construction activities would be subject to the regulations and laws relating to toxic air pollutants at the regional, State, and federal level that would protect sensitive receptors from substantial concentrations of these emissions. The Proposed Project would be required to comply with the CARB Air Toxics Control Measure that limits diesel powered equipment and vehicle idling to no more than 5 minutes at a location. In addition, as discussed above, the Proposed Project would not result in a localized significant impact. Therefore, the Proposed Project would result in a less than significant impact related to construction TACs.

#### *Operational Emissions*

Typical sources of acutely and chronically hazardous TACs include industrial manufacturing processes and automotive repair facilities. The Proposed Project consists of a mixed-use development containing multi-family residential and retail/commercial uses that would not support any land uses or activities that would involve the use, storage, or processing of carcinogenic or non-carcinogenic toxic air contaminants. As such, no significant toxic airborne emissions would result from Proposed Project implementation. In addition, construction activities would be subject to the regulations and laws relating to toxic air pollutants at the regional, State, and federal level that would protect sensitive receptors from substantial

concentrations of these emissions. Therefore, impacts associated with the release of toxic air contaminants would be less than significant.

**e) Would the project create objectionable odors affecting a substantial number of people?**

**Less Than Significant Impact.** A significant impact may occur if objectionable odors occur which would adversely impact sensitive receptors. Odors are typically associated with industrial projects involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills. As the Proposed Project involves no elements related to these types of activities, no odors from these types of uses are anticipated. Garbage collection areas for the Project Site would have the potential to generate foul odors if the areas are located in close proximity to habitable areas. Good housekeeping practices would be sufficient to prevent nuisance odors. In addition, SCAQMD Rule 402 (Nuisance), and SCAQMD Best Available Control Technology Guidelines would limit potential objectionable odor impacts during the Proposed Project's long-term operations phase. Further, the Proposed Project would be required to install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138 to control odors from any operational activities within the proposed commercial uses. With compliance with SCAQMD Rules 402 and 1138, described above, potential objectionable odor impacts would be less than significant.

During the construction phase, activities associated with the application of architectural coatings and other interior and exterior finishes may produce discernible odors typical of most construction sites. Such odors could be a temporary source of nuisance to adjacent uses. SCAQMD Rules 1108 and 1113 limit the amount of volatile organic compounds from cutback asphalt and architectural coatings and solvents, respectively. Based on mandatory compliance with SCAQMD Rules, no construction activities or materials that would create a significant level of objectionable odors are proposed. Therefore, impacts associated with objectionable odors would be less than significant.

**Cumulative Impacts**

**Less Than Significant Impact.** Development of the Proposed Project in conjunction with the related projects in the Project Site vicinity would result in an increase in construction and operational emissions in the already urbanized area of the City of Los Angeles.

Cumulative development can affect implementation of the 2016 AQMP. The 2016 AQMP was prepared to accommodate growth, reduce pollutants within the areas under SCAQMD jurisdiction, improve the overall air quality of the region, and minimize the impact on the economy. Growth considered to be consistent with the 2016 AQMP would not interfere with attainment because this growth is included in the projections utilized in the formulation of the AQMP. Consequently, as long as growth in the Basin is within the projections for growth identified by SCAG, implementation of the 2016 AQMP will not be obstructed by such growth and cumulative impacts would be less than significant. Since the Proposed Project is consistent with SCAG's growth projections, it would not have a cumulatively considerable contribution to an impact regarding a potential conflict with or obstruction of the implementation of the

applicable air quality plan. Thus, cumulative impacts related to conformance with the 2016 AQMP would be less than significant.

Cumulative air quality impacts from construction and operation of the Proposed Project, based on SCAQMD guidelines, are analyzed in a manner similar to Project-specific air quality impacts. The SCAQMD recommends that a project's potential contribution to cumulative impacts should be assessed utilizing the same significance criteria as those for project specific impacts. Therefore, according to the SCAQMD, individual development projects that generate construction or operational emissions that exceed the SCAQMD recommended daily thresholds for project-specific impacts would also cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in non-attainment. Thus, as discussed in Question III(c) above, because the construction-related and operational daily emissions associated with Proposed Project would not exceed the SCAQMD's recommended thresholds, these emissions associated with the Proposed Project would not be cumulatively considerable. Therefore, cumulative air quality impacts would be less than significant.

With respect to cumulative odor impacts, potential sources that may emit odors during construction activities at each related project include the use of architectural coatings, solvents, and asphalt paving. SCAQMD Rule 1108 and 1113 limits the amount of volatile organic compounds from cutback asphalt and architectural coatings and solvents, respectively. Based on mandatory compliance with SCAQMD Rules, construction activities and materials used in the construction of the Proposed Project and related projects would not combine to create objectionable construction odors. With respect to operations, SCAQMD Rules 402 (Nuisance) and Rule 1138 (Odor Reducing Equipment) would regulate any objectionable odor impacts from the related projects and the Proposed Project's long-term operations phase. Thus, cumulative odor impacts would be less than significant.

#### IV. BIOLOGICAL RESOURCES

- a) **Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**Potentially Significant Unless Mitigation Incorporated.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally have a significant impact on biological resources if it could result in: (a) the loss of individuals, or the reduction of existing habitat, of a state or federal listed endangered, threatened, rare, protected, candidate, or sensitive species or a Species of Special Concern; (b) the loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community; or (c) interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise or light) to a degree that may diminish the chances for long-term survival of a sensitive species. The Project Site is located in a highly urbanized area in the City of Los Angeles and is improved a paved surface parking lot. The Project Site does not contain any critical habitat or support any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Vegetation on the Project Site is limited to five street trees

(Canary Island pine) in the public right-of-way along Hill Street and two street trees (Southern Magnolia) in the public right-of-way along Olympic Boulevard. It is anticipated that all of these trees would be removed. The removal and placement of street trees would be subject to the review and approval of the Board of Public Works, Urban Forestry Division. None of these trees in the public right-of-way are designated protected trees.<sup>11</sup> Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way. Therefore, the Proposed Project would have a less than significant impact upon removal of non-protected trees.

With respect to the proposed removal of non-protected trees currently along the public right-of-way, the removal of trees has the potential to impact nesting bird species if they are present at the time of tree removal. Nesting birds are protected under the Federal Migratory Bird Treaty Act (MBTA) (*Title 16, United States Code, Section 703 et seq., see also Title 50, Code of Federal Regulation, Part 20*) and Section 3503 of the California Department of Fish and Game Code. To ensure compliance with the MBTA, the City of Los Angeles Department of City Planning advises applicants to avoid tree removal activities during the breeding season. If avoidance is not feasible, the Department recommends weekly bird surveys be conducted to ensure that the trees proposed for removal are not occupied by nesting birds. Thus, with implementation of Mitigation Measure BIO-1, listed below, the Proposed Project would have a less than significant impact on sensitive biological species or habitat.

#### **Mitigation Measures:**

##### **BIO-1 Habitat Modification (Nesting Native Birds):**

- Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
- If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
- Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.

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<sup>11</sup> Wayne Romanek, California Registered Landscape Architect, Carter, Romanek Landscape Architects, Inc., April 27, 2017.

- If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.
- Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

**b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**No Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally have a significant impact on biological resources if it could result in: (a) the loss of individuals, or the reduction of existing habitat, of a state or federal listed endangered, threatened, rare, protected, candidate, or sensitive species or a Species of Special Concern; (b) the loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community; (c) the alternation of an existing wetland habitat; or (d) interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of a sensitive species. The Project Site is occupied by a paved surface parking lot. The Project Site is an infill lot located in a developed neighborhood within the City of Los Angeles. No riparian or other sensitive natural vegetation communities are located on or adjacent to the Project Site. Therefore, implementation of the Proposed Project would not result in any adverse impacts to riparian habitat or other sensitive natural communities, and no impact would occur.

**c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**No Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally have a significant impact on biological resources if it could result in the alteration of an existing wetland habitat. The Project Site is entirely developed with impermeable surfaces and does not contain any wetlands or natural drainage channels. Further, the Project Site is located in a developed area within the City of Los Angeles. The Project Site nor the surrounding area contain any wetlands or riparian habitat. Therefore, the Project Site does not support any riparian or wetland habitat, as defined by Section 404 of the Clean Water Act (see Question IV(b), above). No impacts to riparian or wetland habitats would occur with implementation of the Proposed Project.

**d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

**No Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally result in a significant impact on biological resources if it results in the interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species. The Project Site is located in a heavily urbanized area of Downtown Los Angeles. Due to the highly urbanized surroundings, there are no wildlife corridors or native wildlife nursery sites on the Project Site or in the Project Site vicinity. Thus, the Proposed Project would not interfere with the movement of any residents or migratory fish or wildlife. Therefore, no impact would occur.

**e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands)?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project-related significant adverse effect could occur if a project were to cause an impact that is inconsistent with local regulations pertaining to biological resources, such as the City of Los Angeles Protected Tree Ordinance, 177,404. As stated above, the Project Site is improved with a surface parking lot. There are no protected tree species located on the Project Site. Therefore, the Proposed Project would not have the potential to conflict with the City of Los Angeles Protected Tree Ordinance. However, all street trees in the public right-of-way are expected to be removed as a result of the Proposed Project. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the Project Site proposed for removal shall be replaced at a 2:1 ratio with a minimum 24-inch box tree. Further, the Proposed Project would be required to comply with the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code, which prohibits take of all birds and their active nests including raptors and other migratory non-game birds. Thus, any impacts upon the loss of on-site trees would be less than significant levels.

**f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**No Impact.** A significant impact would occur if the Proposed Project would be inconsistent with maps or policies in any conservation plans of the types cited. The Project Site and its vicinity are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. Therefore, no impact would occur with implementation of the Proposed Project.

## Cumulative Impacts

**Less Than Significant Impact.** The Proposed Project would have a less than significant impact upon biological resources with regulatory compliance and mitigation measures. Development of the Proposed Project in combination with the related projects would not significantly impact wildlife corridors or habitat for any candidate, sensitive, or special status species identified in local plans, policies, or regulations, or by the CDFG or the USFWS. No such habitat occurs in the vicinity of the Project Site or related projects due to the existing urban development. Development of any of the related projects would be subject to the City of Los Angeles Protected Tree Ordinance. Thus, cumulative impacts to biological resources would be considered less than significant.

## V. CULTURAL RESOURCES

The following section summarizes and incorporates the reference information from the following report:

- <sup>a</sup> Olympic + Hill Development, Los Angeles, California, Historical Resource Technical Report, prepared by GPA Consulting, dated May 2017.

The Historical Resource Technical Report is included as Appendix B of this IS/MND.

### a) Would the project cause a substantial adverse change in the significance of an historic resource pursuant to CEQA § 15064.5?

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a significant impact may occur if the Proposed Project results in a substantial adverse change in the significance of a historic resource. Section 15064.5 of the State CEQA Guidelines defines a historical resource as: (1) a resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources; (2) a resource listed in a local register of historical resources or identified as significant in an historical resource survey meeting certain State guidelines; or (3) an object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record. A substantial adverse change in the significance of a historic resource means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.<sup>12</sup>

According to available historical sources, the Project Site was formerly developed with residential structures from at least 1888 to 1906. A single structure is depicted to replace the residential structures in 1920. From 1950-1963, a commercial structure with restaurant, stores, and a parking structure occupy the Project Site. Since 1972 through the present, the Project Site has remained with asphalt paved surface

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<sup>12</sup> *CEQA Guidelines, Section 15064.5(b)(1).*

parking.<sup>13</sup> As previously stated, the Project Site is currently developed with a paved surface parking lot. As such, no buildings, structures, or other property types that could be considered eligible for listed in the National Register of Historic Places, California Register of Historical Resources, or as a Los Angeles Historic-Cultural Monument occur on-site. Therefore, there are no known or potential historic resources on the Project Site.

GPA Consulting (“GPA”) conducted the Historical Resource Report to identify historical resources in the vicinity of the Project Site, to assess any potential impacts the Proposed Project may have on the identified historical resources. Two buildings are included in the study area: 1) Mayan Theater, located at 1036-1038 S. Hill Street, immediately south of the Project Site; and 2) Western Pacific Building, located at 1023-1039 S. Broadway, immediately east of the Project Site. The Proposed Project would be within the same block as these two historical resources.

### ***Mayan Theater***

The Mayan Theater is located on S. Hill Street, immediately south of the Project Site. It was designated as HCM #460 in 1989 and was identified as eligible for listing in the National Register in the Central Business District Historic Resources Survey in 1983. At that time, the California Register was not yet established, so the survey form did not address California Register eligibility. However, it is understood that properties eligible for listing in the National Register are eligible for listing in the California Register as the criteria are essentially the same. The property was not included in SurveyLA, the Citywide historic resource survey, as it is a designated HCM. SurveyLA did not re-evaluate properties that are listed under national, state, or local landmark programs. The property is significant in the context of architecture as an excellent example of the Exotic Revival style as well as an important work by Morgan, Walls & Clements and Francisco Cornejo. Morgan, Walls & Clements are widely recognized as master architects for the quality and influence of their work. It is understood that Stiles Clements was responsible for the design of the Mayan Theater. Cornejo is not well known in the United States, but also considered a master. He was a Mexican painter, sculptor, and educator who specialized in Mayan and Aztec themes. He exhibited his studio work in galleries from Mexico City to San Francisco. In 1926, he curated an exhibition of ancient American art and its modern applications. The Mayan Theater is his most important work in Los Angeles.

The building was constructed in 1927 as a live performance theater. The opening show was “Oh Kay,” a musical comedy by George Gershwin. Although the production was a hit, the architecture received mixed reviews. While some found it “grotesque,” others thought it to be a welcome departure from the ubiquitous Classical and Renaissance styles of the era. The design for the theater was not based on an existing Maya structure. Instead, Morgan, Walls & Clements designed the theater to meet contemporary specifications, then divided it into “modules,” to which Cornejo applied Maya ornamentation.

The board-formed concrete structure is rectangular in plan and is composed of three distinct portions that vary in height. The front portion is covered by a side-facing gabled roof and contains the theater lobby on

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<sup>13</sup> *Advantage Environmental Consultants, LLC, Phase I Environmental Site Assessment, W Olympic Boulevard and S Hill Street Property, Los Angeles, California 90015, April 15, 2017.*

the ground floor and offices on the second floor. The middle portion is approximately the same height as the front portion, but is covered by a flat roof. Within the middle portion is the auditorium. The rear portion is comparable to seven stories in height and contains the stage, dressing rooms, and fly space. The Hill Street facade is extremely ornate, featuring extensive Maya decorative motifs, including serpents, figures, and geometric designs. The north and east elevations are utilitarian in design with only a few window openings for the offices. The south elevation abuts the Belasco Theater.

The two theaters were owned by the oil magnate Edward L. Doheny and a partner, retired investor Nathan W. Stowell. The Mayan and the Belasco were an attempt to get a new fashionable legit theater district going west of Broadway. The Mayan was managed by the same team that ran the Belasco, Gerhold Davis and Edward Belasco. Beginning in 1929, the theater presented motion pictures as well as plays and musicals. From 1936 until at least 1939, the Mayan was used by the Works Progress Administration's federal theater project. Duke Ellington's "Jump for Joy" opened in July of 1941 with an all-black cast including Dorothy Dandridge and Ivie Anderson. The show ran until September. Plans for a national tour leading to Broadway were dropped after Japan bombed Pearl Harbor and many cast members were drafted. The Mayan began showing Spanish language films in 1949, and pornographic films in 1969. The theater was turned into a dance and music club in 1989.

### ***Western Pacific Building***

The Western Pacific Building is located on S. Broadway east of the Project Site, but physically separated by an alley called Blackstone Court. It was identified as eligible for listing in the National Register in the Central Business District Historic Resources Survey in 1983. The property was re-surveyed by SurveyLA and identified as eligible for listing in the National and California Register and for designation as an HCM. The property is significant in the context of architecture as an excellent example of Beaux Arts Classicism, as well as an important work by the master architects Walker & Eisen.

The building was initially developed in 1925 by the Los Angeles Investment Company. The company was founded around 1896 and got its start producing hundreds of bungalows a year through company-owned lumber mills, warehouses, and hardware stores. Its reputation for quality long-lasting construction helped it grow to the largest cooperative building company in America by the early 1900s. As early as 1911, the company branched out into commercial and office building construction. The Western Pacific Building was developed as office space and leasing demand was so high that an addition was underway less than a year after the original portion was completed. Any differences in the two phases of construction, the northeast half in 1926 and the southwest half in 1927 are imperceptible from the exterior. Research in contemporary newspapers did not reveal the reasoning behind the building's name, but it was commonly called the "Western Pacific Building" from its inception. The architectural firm of Walker & Eisen designed the original building as well as the addition, with the Los Angeles Investment Company acting as the contractor.

The Beaux Arts style building has a tapered rectangular footprint. There are two light wells, one each at the north and south ends of the building, forming an H-shape on the upper levels. Twelve-stories in height, the building has a concrete foundation and a reinforced concrete structure. The Broadway facade is clad in terra cotta and red brick is organized horizontally into three sections. The side and rear

elevations are clad in stucco and are much simpler than the façade. One-over-one double-hung sash metal windows are stacked vertically across each elevation, which are without ornamentation.

### ***Determining the Significance of Impacts on Historical Resources***

The State CEQA Guidelines set the standard for determining the significance of impacts to historical resources in Title 14 California Code of Regulations Section 15064.5(b), which states:

A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

Title 14 California Code of Regulations Section 15064.5(b)(1) further clarifies “substantial adverse change” as follows:

Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

Title 14 California Code of Regulations Section 15064.5(b)(1) in turn explains that a historical resource is “materially impaired” when a project:

Demolishes or materially alters in an adverse manner those physical characteristics that convey its significance and that justify its inclusion in or eligibility for inclusion in the California Register, local register, or its identification in a historic resources survey.

The following factors are set forth in the City of Los Angeles’ “L.A. CEQA Thresholds Guide,” which states that a project would normally have a significant impact on a historical resource if it would result in a substantial adverse change in the significance of the historical resource. A substantial adverse change in significance occurs if the project involves:

- Demolition of a significant resource;
- Relocation that does not maintain the integrity and (historical/architectural) significance of a significant resource;
- Conversion, rehabilitation, or alteration of a significant resource which does not conform to the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; or
- Construction that reduces the integrity or significance of important resources on the site or in the vicinity.

As such, the test for determining whether or not a proposed project will have a significant impact on an identified historical resource is whether or not the Proposed Project will alter in an adverse manner the

physical integrity of the historical resource such that it would no longer be eligible for listing in the National or California Registers or other landmark programs such as the list of HCMs.

### ***Analysis of Project Impacts***

The Proposed Project would have no direct impacts on historical resources. There are no historical resources on the Project Site, and no historical resources would be demolished, destroyed, relocated, or altered as a result of the Proposed Project. Therefore, this report only analyzes the indirect impacts the Proposed Project may have on the historical resources in the vicinity.

The Mayan Theater is immediately south of the Project Site, and the Western Pacific Building is immediately southeast but separated by an alley. However, as more fully described below, the new building would not affect the physical integrity or historic significance of these historical resources. As such, the Proposed Project would have no indirect impacts on the historical resources in the vicinity.

In determining indirect impacts of adjacent new construction on individual resources such as the Mayan Theater and Western Pacific Building, the central question is whether the new building would affect the physical integrity of the historic building to the degree that it would no longer qualify as a historical resource. Such an effect would only occur if the Mayan Theater or Western Pacific Building no longer retained sufficient integrity to convey its significance. According to *National Register Bulletin #15*, there are seven aspects of integrity: feeling; association; workmanship; location; design; setting; and materials. The only relevant aspect with respect to the impact of a new building on a historic building is setting. Setting refers to the character of the place in which the property played its historical role.

The *Los Angeles Citywide Historic Context Statement* prepared by the Office of Historic Resources is organized into nine broad contexts, and establishes eligibility standards for associated property types. The Mayan Theater is eligible in the Architecture and Engineering Context under the Mayan Revival Subtheme. For buildings to be eligible under this context and subtheme, they should retain integrity of design, materials, workmanship, and feeling. It is also eligible in the Entertainment Industry Context under the Movie Theater Subtheme. For buildings to be eligible under this context and subtheme, they should retain integrity of location, feeling, and association. The Western Pacific Building is eligible in the Architecture and Engineering Context under the Beaux Arts Classicism Subtheme. For buildings to be eligible under this context and subtheme, they should retain integrity of location, design, materials, workmanship, and feeling. So in the case of both buildings, setting is not an essential factor of integrity. As both buildings occupy their entire parcels, they have no immediate setting, only a broad setting.

Historically, Hill Street south of Olympic Boulevard was developed with low to mid-rise commercial buildings, but by the 1970s many had been demolished. Those parcels have remained undeveloped or minimally developed with surface parking lots until recently. Although the Proposed Project would introduce a new visual element to the area, the Mayan Theater would retain its integrity of setting. The most important aspect of the broad setting of the Mayan Theater is its relationship with the Belasco Theater on the south. That relationship would not be altered by the construction of a new building north of the Mayan Theater. Furthermore, the portion of the new building adjacent to the Mayan Theater is only nine stories in height, which is not out of scale with Mayan Theater, which ranges in height from two

stories at the front and seven stories at the rear. The tower portion of the new building would be situated at the corner of S. Hill Street and Olympic Boulevard away from the historic building.

Although it is only one block east, Broadway south of Olympic Boulevard was historically developed with taller commercial buildings that rose to 12 stories in height. These included the still extant Western Pacific Building as well as the Commercial Club Building at 1100 S. Broadway and the Los Angeles Railway Building at 1060 S. Broadway. Similar to Hill Street, by the 1970s there were also many surface parking lots in the area as a result of the demolition of older buildings. Although the Proposed Project would introduce a new visual element to the area, the Western Pacific Building would retain its integrity of setting. The most important aspect of the broad setting of the Western Pacific Building is its relationship with the Commercial Club Building and Los Angeles Railway Building on the south. These three buildings are similar in height, massing, materials, and design, and create a strong sense of place at S. Broadway and W. 11<sup>th</sup> Street. That relationship would not be altered by the construction of a new building behind the Western Pacific Building. Furthermore, the portion of the new building to the rear of the Western Pacific Building is only nine stories in height, which is lower than the 12-story Western Pacific Building.

Both historical resources would continue to convey their significance, which is primarily architectural. Setting is not a critical factor of integrity of buildings that are architecturally significant. Especially when they occupy their entire parcels like the Mayan Theater and Western Pacific Building. Thus, there would be no indirect impact from the Proposed Project on historical resources.

Projects that comply with the Standards are considered mitigated to a less than significant level. As the Proposed Project does not involve the preservation, rehabilitation, restoration, or reconstruction of a historic building, the Standards are not directly applicable. To that end, Rehabilitation Standards #9 and #10 are relevant but not determinative in analyzing the indirect impact of new construction on a historic building. Rehabilitation Standards #9 and #10 primarily address additions to historic buildings or new construction within the boundaries of a historic property or district, which is not the case with the Proposed Project. Nevertheless, to be conservative, the Proposed Project's compliance with Standards #9 and #10 is discussed below.

#### Compliance with Standard #9

The Standard states: "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."

The new building would be located directly north of the Mayan Theater, which is located on a separate parcel to the south. The Mayan Theater is not a part of the Proposed Project, thus the new building would not destroy historic materials, features, and spatial relationships that characterize the property. The north elevation of the Mayan Theater is an unarticulated blank wall that is not a character-defining feature. The historic building was clearly designed in anticipation of the construction of another building on the neighboring parcel. Thus, the spatial relationship between the Mayan Theater and its immediate

environment would remain intact. While the Mayan Theater ranges in height from two stories at the front and seven stories at the rear, the tower portion of the new building would be 60 stories in height. However, the podium portion next to the Mayan Theater would be only nine stories in height. Within the context of Downtown Los Angeles, this would not be an unusual juxtaposition of heights. The podium portion of the new building would be differentiated from the Mayan Theater by its contemporary design. As the Mayan Theater is so unique in its design, a contemporary design that consists of a regular grid is more appropriate than an attempt to mimic any aspect of Mayan Revival architecture.

The new building would be located northwest of the Western Pacific Building, but separated by an alley. The Western Pacific Building is not a part of the Proposed Project thus the new building would not destroy historic materials, features, and spatial relationships that characterize the property. The west, or rear, elevation of the Western Pacific Building is utilitarian in design. One-over-one double-hung sash metal windows are stacked vertically across the elevation, which is sheathed in stucco and without ornamentation. The historic building was clearly designed in anticipation of the construction of another building across the alley. Thus, the spatial relationship between the Western Pacific Building and its immediate environment would remain intact. The eight-story podium portion of the new building is compatible with the height of the 12-story Western Pacific Building. The compatibility of the materials and features between the new and historic buildings is not required in the instance, as they are both rear elevations separated by an alley.

In conclusion, the Proposed Project complies with Standard #9 to the extent appropriate for this area of Downtown Los Angeles.

#### Compliance with Standard #10

The Standard states: “New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”

The Proposed Project complies with Standard #10. The new building is sufficiently separated from the Mayan Theater and Western Pacific Building. In the case of the Mayan Theater there will be a typical gap between buildings with shared property lines (the gap is located on the Mayan Theater property). In the case of the Western Pacific Building there is an alley separating it from the new building. If the new building were removed in the future, the adjacent historical resources would not be materially affected. The essential form and integrity of the historical resources and their environment would be unimpaired.

The Proposed Project would have no direct impacts on historical resources. There are no historical resources on the Project Site and no historical resources would be demolished, destroyed, altered, or relocated as a result of the Proposed Project. Indirect impacts on historical resources were also analyzed. The Proposed Project would have a less than significant impact on the historical resource near the Project Site. Although the Proposed Project would introduce a new visual element to the area, it would be physically separated from the Western Pacific Building by an alley. The new building would be located north of the Mayan Theater. However, the Proposed Project would not result in a substantial adverse change to the immediate surroundings of this historical resource to the degree its eligibility, as a resource

would be materially impaired. It would continue to be eligible for listing as historical resource defined by CEQA. No mitigation is required or recommended. Therefore, development of the Proposed Project would result in a less than significant impact to historic resources.

**b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA § 15064.5?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a significant impact may occur if grading or excavation activities associated with the Proposed Project would disturb archaeological resources. No known archaeological sites are identified on the Project Site. There is no evidence that suggests any archaeological sites or archaeological resources exist on the Project Site.<sup>14</sup> The Project Site has been previously developed and is located in a highly urbanized area of the Central City Community Plan area in the City of Los Angeles. The Project Site is developed with a surface parking lot and has been previously disturbed. The Proposed Project would include the demolition of the surface parking lot and grading activities for construction of a proposed high-rise mixed-use building with residential dwelling units and ground-floor commercial with seven subterranean parking levels. Construction of the Proposed Project would anticipate the excavation to a depth of approximately 80 feet below grade to allow for the proposed subterranean parking levels.

Thus, the potential exists for the accidental discovery of archaeological materials. Because the presence or absence of such materials cannot be determined until the Project Site is excavated, the Department of City Planning requires adherence to regulatory compliance measures for proper handling of any archaeological resources discovered during construction. If archaeological resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2. Personnel of the Proposed Project shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the Project Site. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2. Adherence to regulatory compliance measures would ensure that if any archaeological resources are encountered during construction, impacts to such resources would remain less than significant.

**c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a significant impact may occur if grading or excavation activities associated with the Proposed Project were to disturb paleontological resources or geologic features which presently exist within the Project Site. The Project Site has been previously graded and is currently improved with a paved surface parking

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<sup>14</sup> *City of Los Angeles Department of City Planning, Environmental and Public Facilities Maps: Prehistoric and Historic Archaeological Sites and Survey Areas in the City of Los Angeles, September 1996.*

lot. The Project Site does not contain any known vertebrate paleontological resources.<sup>15</sup> This is further supported by correspondence received from the Natural History Museum of Los Angeles County dated July 14, 2017 (contained in Appendix B), which states that no vertebrate fossil localities lie directly within the Project Site boundaries. However, there are identified localities near the Project Site at the same sedimentary deposits that occur in the Project Site. The closest vertebrate fossil locality from the Older Quaternary deposits is LAMC 1755, southwest of the Proposed Project near the intersection of Hill Street and 12<sup>th</sup> Street. As such, although no paleontological resources are known to exist on-site, there is a potential for paleontological resources to exist at sub-surface levels on the Project Site, which may be uncovered during grading activities for construction of the Proposed Project's subterranean parking levels. As standard condition of approval for issuing a grading permit, all grading contractors are required to notify the City of Los Angeles Department of Building and Safety if paleontological resources are discovered during excavation, grading, or construction, and all work shall cease in the area of the find until a qualified paleontologist evaluates the find. Construction activity may continue unimpeded on other portions of the Project Site. The paleontologist shall determine the location, the time frame, and the extent to which any monitoring of earthmoving activities shall be required. The found deposits would be treated in accordance with federal, State, and local guidelines.

Under California Public Resources Code Sections 5097.5 and 30244, development projects that involve excavations are required to implement regulatory compliance measures. Implementation of the following measures pertaining to paleontological resources would ensure that any resources found during the construction phase would be handled according to proper regulations. With adherence to the following regulatory compliance measures, any impacts to paleontological resources would be less than significant.

If any paleontological materials are encountered during the course of project development, all further development activities shall halt and:

- a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University 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.

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<sup>15</sup> *City of Los Angeles Department of City Planning, Environmental and Public Facilities Maps: Vertebrate Paleontological Resources in the City of Los Angeles, September 1996.*

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.

**d) Would the project disturb any human remains, including those interred outside of formal cemeteries?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project-related significant adverse effect could occur if grading activities associated with the proposed project would disturb previously interred human remains. No known human burials have been identified on the Project Site or its vicinity. However, it is possible that unknown human remains could occur on the Project Site, and if proper care is not taken during construction, damage to or destruction of these unknown remains could occur. If human remains are encountered unexpectedly during construction demolition and/or grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code Section 5097.98.

Compliance with regulatory compliance measures would ensure any potential impacts related to the disturbance of unknown human remains would be less than significant.

**Cumulative Impacts**

**Less Than Significant Impact.** Development of the Proposed Project, in combination with the related projects in the Project Site vicinity, would result in the continued redevelopment and revitalization of the surrounding area. Impacts to cultural resources tend to be site-specific and are assessed on a site-by-site basis. The analysis of the Proposed Project's impacts to cultural resources concluded that the Proposed Project would have no significant impacts with respect to cultural resources following appropriate mitigation. Therefore, the Proposed Project's incremental contribution to a cumulative impact would not be considerable, and cumulative impacts to cultural resources would be less than significant.

**VI. GEOLOGY AND SOILS**

The following section summarizes and incorporates the reference information from the following report(s):

- Geotechnical Investigation, Proposed High-Rise Development "Olympic and Hill" 1000-1034 Hill Street and 220 & 226 West Olympic Boulevard, Los Angeles, California ("Geotechnical Investigation"), prepared by Geocon West, Inc., dated February 28, 2017.
- Soils Report Approval Letter (Log # 98134), issued by the Grading Division of the Department of Building and Safety, dated June 6, 2017.

The Geotechnical Investigation, along with the Soils Report Approval Letter, is included as Appendix C of this IS/MND.

In 2015, the California Supreme Court, in *CBIA v. BAAQMD*<sup>16</sup>, held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of a project. On the other hand, if a project exacerbates a condition in the existing environment, the lead agency is required to analyze that impact of that exacerbated condition on future residents and users of a project (as well as other impacted individuals). Thus, the analysis associated with seismicity, soil stability, or expansive soils below focuses on whether the Project would exacerbate these environmental conditions so as to increase the potential to expose people to impacts.

#### *Existing Soil and Geologic Conditions*

Based on the field investigation and published geologic maps of the area, the Project Site is underlain by artificial fill and unconsolidated Holocene age alluvium consisting of gravel, sand, silt and clay derived from the Elysian and Repetto Hills to the north and the Los Angeles River to the east. Artificial fill was encountered in the explorations to a maximum depth of 10 feet below existing ground surface. The artificial fill generally consists of brown to light yellowish brown silty sand and sandy silt with fine to coarse gravel and abundant brick fragments. The artificial fill is characterized as fine- to medium-grained, slightly moist, and loose to medium dense or stiff. The fill is likely the result of past grading and construction activities at the Project Site. Deeper fill may exist between excavations and in other portions of the Project Site that were not directly explored. Holocene age alluvium was encountered beneath the fill. The alluvium generally consists of yellowish brown to grayish, brown poorly and well graded sand and silty sand with varying amounts of silt, fine to coarse gravel and cobbles. The alluvial soils are primarily fine- to coarse-grained, slightly moist and very dense. Groundwater was not encountered in the field explorations excavated to a maximum depth of 125 feet below the existing ground surface. Detailed stratigraphic profiles of the materials encountered at the Project Site are provided on the boring logs in Appendix C of this IS/MND.

- a) **Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, caused in whole or in part by the project's exacerbation of the existing environmental conditions. Refer to Division of Mines and Geology Special Publication 42;**

**Less Than Significant Impact.** In accordance with Appendix G of the State CEQA Guidelines and the *CBIA v. BAAQMD* decision, the Project would have a significant impact related to geology and soils if the project exposes people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, caused in whole or in part by the project's exacerbation of the

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<sup>16</sup> *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, Case No. S213478.

existing environmental conditions. The closest surface trace of an active fault to the Project Site is the Hollywood Fault located approximately 4.9 miles to the north; and the closest potentially active fault to the Project Site is the MacArthur Fault located approximately 0.6 mile to the north. The Project Site is not within a state-designated Alquist-Priolo Earthquake Fault Zone or a City-designated Preliminary Fault Rupture Study Area for surface fault rupture hazards. No active or potentially active faults with the potential for surface fault rupture are known to pass directly beneath the Project Site. Therefore, the potential for surface rupture due to faulting occurring beneath the Project Site during the design life of the proposed development is considered low. As such, construction and operation of the Proposed Project would not have the potential to exacerbate current environmental conditions that would create a significant hazard with respect to rupture of a known fault, and potential impacts would be less than significant.

**b) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking caused in whole or in part by the project's exacerbation of the existing environmental conditions?**

**Less Than Significant Impact.** In accordance with Appendix G of the State CEQA Guidelines and the *CBLA v. BAAQMD* decision, the Project would have a significant impact related to geology and soils if the project exposes people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking caused in whole or in part by the project's exacerbation of the existing environmental conditions. The Project Site is located within a seismically active region, as is all of Southern California. The intensity of ground shaking depends upon the earthquake magnitude, the distance from the source, and the site response characteristics. The closest surface trace of an active fault to the Project Site is the Hollywood Fault located approximately 4.9 miles to the north; and the closest potentially active fault to the Project Site is the MacArthur Fault located approximately 0.6 mile to the north. However, the Project Site is not located within a seismic hazard zone for liquefaction, landsliding or faulting, as delineated by the State of California, in accordance with the Seismic Hazards Mapping Act or the Alquist-Priolo Act.<sup>17</sup> The Project Site could be subjected to strong ground shaking in the event of an earthquake. However, this hazard is common in Southern California and the effects of ground shaking can be mitigated if the proposed structures are designed and constructed in conformance with current building codes and engineering practices.

Accordingly, the design and construction of the Proposed Project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety, as well as the applicable recommendations of the Geotechnical Investigation which would ensure impacts associated with seismic hazards would remain less than significant. Therefore, construction and operation of the Proposed Project would not have the potential to exacerbate current environmental conditions that would create a significant hazard with respect to ground shaking.

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<sup>17</sup> *Geocon West, Inc., Geotechnical Investigation, Proposed High-Rise Development "Olympic and Hill" 1000-1034 Hill Street and 220 & 226 West Olympic Boulevard, Los Angeles, California, February 28, 2017 (See Appendix C to this IS/MND).*

- c) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction caused in whole or in part by the project's exacerbation of the existing environmental conditions?**

**No Impact.** In accordance with Appendix G of the State CEQA Guidelines and the *CBIA v. BAAQMD* decision, the Project would have a significant impact related to geology and soils if the Project exposes people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction caused in whole or in part by the project's exacerbation of the existing environmental conditions. Liquefaction is a phenomenon in which loose, saturated, relatively cohesionless soil deposits lose shear strength during strong ground motions. Primary factors controlling liquefaction include intensity and duration of ground motion, gradation characteristics of the subsurface soils, in-situ stress conditions, and the depth to groundwater. Liquefaction is typified by a loss of shear strength in the liquefied layers due to rapid increases in pore water pressure generated by earthquake accelerations.

The current standard of practice, as outlined in the "Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Liquefaction in California" and "Special Publication 117A, Guidelines for Evaluating and Mitigating Seismic Hazards in California" requires liquefaction analysis to a depth of 50 feet below the lowest portion of the proposed structure. Liquefaction typically occurs in areas where the soils below the water table are composed of poorly consolidated, fine to medium-grained, primarily sandy soil. In addition to the requisite soil conditions, the ground acceleration and duration of the earthquake must also be of a sufficient level to induce liquefaction.

The State of California Seismic Hazard Zone Map for the Hollywood Quadrangle (1999) indicates that the Project Site is not located in an area identified as having a potential for liquefaction. In addition, a review of the County of Los Angeles Safety Element (Leighton, 1990) indicates that the Project Site is not located within an area identified as having a potential for liquefaction. Also, as previously discussed, the historic high groundwater level beneath the Project Site is at a depth of approximately 110 feet below the existing ground surface and groundwater was not encountered in the borings (drilled to a maximum depth of 125 feet beneath the existing ground surface). Based on these considerations, the potential for liquefaction and associated ground deformations beneath the Project Site is very low. Therefore, no impact would occur. The Proposed Project would not have the potential to exacerbate current environmental conditions that would create a significant hazard with respect to liquefaction.

- d) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides, caused in whole or in part by the project's exacerbation of the existing environmental conditions?**

**No Impact.** In accordance with Appendix G of the State CEQA Guidelines and the *CBIA v. BAAQMD* decision, the Project would have a significant impact related to geology and soils if the Project exposes people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides, caused in whole or in part by the project's exacerbation of the existing

environmental conditions. Landslides generally occur in loosely consolidated, wet soil and/or rocks on steep sloping terrain. The topography at the Project Site is relatively level and the topography in the immediate site vicinity slopes gently to the southeast. The Project Site is not located within a City of Los Angeles Hillside Grading Area or a Hillside Ordinance Area (City of Los Angeles, 2017). The County of Los Angeles Safety Element (Leighton, 1990), indicates the Project Site is not within a hillside area or an area identified as having a potential for slope instability. Additionally, the Project Site is not within an area identified as having a potential for seismic slope instability (CDMG, 1999). There are no known landslides near the Project Site, nor is the Project Site in the path of any known or potential landslides. Therefore, the potential for slope stability hazards to adversely affect the Proposed Project is considered low. Therefore, no impact would occur. The Proposed Project would not have the potential to exacerbate current environmental conditions that would create a significant hazard with respect to landslides.

**e) Would the project result in substantial soil erosion or the loss of topsoil?**

**Less Than Significant Impact.**

Although development of the Proposed Project has the potential to result in the erosion of soils during site preparation and grading/excavation activities, erosion would be reduced by implementation of stringent erosion controls imposed by the City of Los Angeles through grading and building permit regulations. Minor amounts of erosion and siltation could occur during grading. The potential for soil erosion during the ongoing operation of the Proposed Project is extremely low due to the generally level topography of the Project Site, and the fact that the Project Site would be mostly paved-over or built upon so little soil would be exposed. All grading activities require grading permits from the Department of Building and Safety, which include requirements and standards designed to limit potential impacts to acceptable levels. In addition, all on-site grading, excavation, and site preparation would comply with applicable provisions of Chapter IX, Division 70 of the LAMC, which addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. The application of Best Management Practices (“BMPs”) includes but is not limited to the following regulatory compliance measures: (1) 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; and (2) Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

Additionally, prior to issuance of a grading permit, the Applicant shall obtain coverage under the State Water Resources Control Board NPDES Construction General Permit. The Applicant shall provide the Waste Discharge Identification Number to the City of Los Angeles to demonstrate proof of coverage under the Construction General Permit. A Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented for the Proposed Project in compliance with the requirements of the Construction General Permit. The SWPPP shall identify construction BMPs to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in stormwater runoff as a result of construction activities. Compliance with regulatory measures would ensure a less-than-significant impact would occur with respect to erosion or loss of

topsoil and as such, construction and operation of the Proposed Project would not have the potential to exacerbate current environmental conditions that would create a significant hazard with respect to the loss of soil erosion or loss of topsoil.

- f) Would the project be located on a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse caused in whole or in part by the project's exacerbation of existing environmental conditions?**

**Less Than Significant Impact.** In accordance with Appendix G of the State CEQA Guidelines and the *CBIA v. BAAQMD* decision, the Project would have a significant impact related to geology and soils if it is located on a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse caused in whole or in part by the project's exacerbation of existing environmental conditions. As noted above, the Project Site is not within a liquefaction zone and is not located in an area susceptible to liquefaction or collapse. Additionally, the Project Site is relatively level, with no pronounced highs or lows. There are no known landslides near the Project Site, nor is the Project Site in the path of any known or potential landslides. The Project Site is not located within an area of known ground subsidence. No large-scale extraction of groundwater, gas, oil, or geothermal energy is occurring or planned at the site or in the general site vicinity, and there is little or no potential for subsidence. The Geotechnical Investigation concluded that geotechnical conditions are favorable for the Proposed Project provided that the recommendations specified in the Geotechnical Investigation are included in the design and construction of the Proposed Project to the satisfaction of the Department of Building and Safety. Accordingly, the design and construction of the Proposed Project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety, which would ensure impacts associated with unstable geologic unit or soils remain less than significant. As such, construction and operation of the Proposed Project would not have the potential to exacerbate current environmental conditions that would create a significant hazard with respect to landslides, lateral spreading, subsidence, liquefaction or collapse.

- g) Would the project be located on expansive soil, as identified in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property caused in whole or in part by the project exacerbating the expansive soil conditions?**

**No Impact.** Based on the results of the Geotechnical Investigation, the proposed structure would not be prone to the effects of expansive soils. Although not anticipated for the Proposed Project, all imported fill shall be observed, tested, and approved by Geocon West prior to bringing soil to the Project Site. Rocks larger than 6 inches in diameter shall not be used in the fill. If necessary, import soils used as structural fill should have an expansion index less than 20 and corrosivity properties that are equally or less detrimental to that of the existing onsite soils. Reinforcing beyond the minimum required by the City of Los Angeles Department of Building and Safety is not required. Therefore, no impact would occur with respect to expansive soils.

**h) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

**No Impact.** This question would apply to the Proposed Project only if it was located in an area not served by an existing sewer system. The Project Site is located in a developed area of the City of Los Angeles, which is served by a wastewater collection, conveyance and treatment system operated by the City of Los Angeles. No septic tanks or alternative disposal systems neither are necessary, nor are they proposed. Thus, no impact would occur.

**Cumulative Impacts**

**Less Than Significant Impact.** Geotechnical hazards are site-specific and there is little, if any, cumulative geological relationship between the Proposed Project and any of the related projects. Similar to the Proposed Project, potential impacts related to geology and soils would be assessed on a case-by-case basis and, if necessary, the applicants of the related projects would be required to implement the appropriate mitigation measures. Furthermore, the analysis of the Proposed Project's geology and soils impacts concluded that, through the implementation of the regulatory compliance measures recommended above, Proposed Project impacts would be reduced to less than significant levels. Therefore, the Proposed Project would not make a cumulatively considerable contribution to any potential cumulative impacts, and cumulative geology and soil impacts would be less than significant.

**VII. GREENHOUSE GAS EMISSIONS**

Greenhouse gas (GHG) emissions refer to a group of emissions that have the potential to trap heat in the atmosphere and consequently affect global climate conditions. Scientific studies have concluded that there is a direct link between increased emission of GHGs and long-term global temperature. The principal GHGs are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e).

*California Global Warming Solutions Act of 2006*

The California Global Warming Solutions Act of 2006, widely known as AB 32, requires the California Air Resources Board (CARB) to develop and enforce regulations for the reporting and verification of statewide GHG emissions. CARB is directed to set a statewide GHG emission limit, based on 1990 levels, to be achieved by 2020. The bill set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner.

The heart of the bill is the requirement that statewide GHG emissions be reduced to 1990 levels by 2020. As previously determined by CARB, California projected it needed to reduce GHG emissions to a level approximately 28.4% below CARB's 2020 "business-as-usual" GHG emission projections (as set forth in

the 2008 Scoping Plan) to achieve this goal.<sup>18</sup> The bill requires CARB to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG reductions.

### *Climate Change Scoping Plan*

In December 2008, CARB approved a Climate Change Scoping Plan. The Climate Change Scoping Plan calls for a “coordinated set of solutions” to address all major categories of GHG emissions. The Initial Scoping Plan in 2008 presented the first economy-wide approach to reducing emissions and highlighted the value of combining both carbon pricing with other complementary programs to meet California’s 2020 GHG emissions cap while ensuring progress in all sectors. The coordinated set of policies in the Initial Scoping Plan employed strategies tailored to specific needs, including market-based compliance mechanisms, performance standards, technology requirements, and voluntary reductions. The Initial Scoping Plan also described a conceptual design for a cap-and-trade program that included eventual linkage to other cap-and-trade programs to form a larger regional trading program.

AB 32 requires CARB to update the scoping plan at least every five years. The First Update to the Scoping Plan (First Update), approved in May 2014, presented an update on the program and its progress toward meeting the 2020 limit. It also developed the first vision for the long-term progress that the State endeavors to achieve. In doing so, the First Update laid the groundwork to transition to the post-2020 goals set forth in Executive Orders S-3-05 and B-16-2012.<sup>19</sup> It also recommended the need for a 2030 mid-term target to establish a continuum of actions to maintain and continue reductions, rather than only focusing on targets for 2020 or 2050.

In October 2017, CARB published and circulated a revised draft version of “The 2017 Scoping Plan: The Strategy for Achieving California’s 2030 Greenhouse Gas Target” that establishes a proposed framework of action for California to meet a 40 percent reduction in greenhouse gases by 2030 compared to 1990 levels, and substantially advance toward the 2050 climate goal of 80 percent below 1990 levels. The Revised Draft 2017 Climate Change Scoping Plan is part of the public process to update the AB 32 Scoping Plan to reflect Governor’s Executive Order B-30-15 and SB 32, which establish a mid-term GHG emission reduction target for California of 40 percent below 1990 levels by 2030. All State agencies with jurisdiction over sources of GHG emissions were directed to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 targets. CARB and other State agencies are identifying the suite of programs, regulations, incentives, and supporting actions needed to continue driving down emissions and ensure we are on a trajectory to meet our mid- and long-term climate goals.

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<sup>18</sup> CARB has not calculated the percent reduction required to achieve AB 32’s mandate of returning to 1990 levels of GHG emissions by 2020. The value of 28.4% as the required reduction to achieve 1990 emissions in 2020 is an approximate value. Based on the Scoping Plan estimates and conservative rounding, the value could be 28.5%.

<sup>19</sup> Executive Order S-30-15 established three targets: 1) By 2010, reduce GHG emissions to 2000 levels; 2) By 2020, reduce GHG emissions to 1990 levels; 3) By 2020, reduce GHG emissions to 80 percent below 1990 levels. Executive Order B-16-2012 facilitated the commercialization of zero-emission vehicles and reestablished the 2050 target to reduce GHG emissions to 80 percent below 1990 levels.

The 2017 Scoping Plan includes input from a range of State agencies and is the result of a two-year development process including extensive public and stakeholder outreach designed to ensure that California's climate and air quality efforts continue to improve public health and drive development of a more sustainable economy. The 2017 Scoping Plan reflects the direction from the legislature on the Cap-and-Trade Program, as described in AB 398, the need to extend the key existing emissions reductions programs, and acknowledges the parallel actions required under AB 617 to strengthen monitoring and reduce air pollution at the community level. A Final Scoping Plan, with all supporting materials, was adopted in December 2017.

### *California Green Building Standards*

The California Green Building Standards Code, which is Part 11 of the California Code of Regulations, is commonly referred to as the CALGreen Code. Statewide reductions in GHG emissions from construction is being accomplished through continuous updates to the CALGreen Code and other State-mandated laws and regulations. The CALGreen Code encourages sustainable construction practices in planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. The CALGreen Code provides for design options allowing the designer to determine how best to achieve compliance for a given site or building condition. The CALGreen Code also requires building commissioning which is a process for the verification that all building systems, like heating and cooling equipment and lighting systems are functioning at their maximum efficiency. Originally adopted in 2008, the CALGreen Code included all voluntary standards that went beyond the basic building code requirements and introduced new standards for reducing water use, provisions for reducing and recycling construction and demolition waste, criteria for site development to locate buildings near public transit, and measures for improving indoor air quality to protect the health of building occupants. In 2010, the CALGreen Code became mandatory on a statewide basis. The Proposed Project would implement the 2016 CALGreen Code (effective January 1, 2017) and any future additional construction activities necessary.

### *City of Los Angeles Sustainable City pLAN*

On April 8, 2015, Mayor Eric Garcetti released the Los Angeles' first ever Sustainable City pLAN (The pLAN). The pLAN sets the course for a cleaner environment and a stronger economy, with commitment to equity as its foundation. The pLAN is made up of short term (by 2017) and long term (2025 and 2035) targets. The pLAN set out an ambitious vision for cutting greenhouse gas emissions, reducing the impact of climate change and building support for national and global initiatives. Los Angeles has moved to the forefront of climate innovation and leadership through bold actions on energy efficiency and electric vehicle as well as renewable energy and greenhouse gas accounting. L.A. has already reduced its greenhouse gas emissions by 20% below 1990 levels as of 2013, nearly halfway to the goal of 45% below by 2025. The City has been working to increase the generation of renewable energy, improve energy conservation and efficiency, and change transportation and land use patterns to reduce dependence on automobiles.

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### *LA Green Building Code*

The City of Los Angeles *L.A. Green Building Code* (Ordinance No. 181,480), which incorporates applicable provisions of the CALGreen Code, and in many cases outlines more stringent GHG reduction measures available to development projects in the City of Los Angeles is consistent with statewide goals and policies in place for the reduction of greenhouse gas emissions, including AB 32 and the corresponding Scoping Plan. Among the many GHG reduction measures outlined later in this Section, the *L.A. Green Building Code* requires new development projects to incorporate infrastructure to support future electric vehicle supply equipment (EVSE), exceed the prescriptive water conservation plumbing fixture requirements of Sections 4.303.1.1 through 4.303.1.4.4 of the California Plumbing Code by 20%, meet the requirements of the California Building Energy Efficiency Standards, and comply with the construction and demolition solid waste handling and diversion requirements mandated in Section 66.32 of the LAMC. New development projects are required to comply with the *L.A. Green Building Code*, and therefore are generally considered consistent with statewide GHG-reduction goals and policies, including AB 32.

### *2016 RTP/SCS*

On April 7, 2016, SCAG adopted the 2016 Regional Transportation Plan/Sustainable Communities Strategy: A Plan for Mobility, Accessibility, Sustainability, and a High Quality of Life (2016 RTP/SCS). Within the RTP, the SCS demonstrates the region's ability to attain and exceed the GHG emission-reduction targets set forth by CARB. The SCS sets forth a regional plan for integrating the transportation network and related strategies with an overall land use pattern that responds to projected growth, housing needs, changing demographics, and transportation demands. The regional vision of the SCS maximizes current voluntary local efforts that support the goals of SB 375, as evidenced by several Compass Blueprint Demonstration Projects and various county transportation improvements. The SCS focuses the majority of new housing and job growth in High-Quality Transit Areas and other opportunity areas in existing main streets, downtowns, and commercial corridors, resulting in an improved jobs-housing balance and more opportunity for transit-oriented development. This overall land use development pattern supports and complements the proposed transportation network that emphasizes system preservation, active transportation, and transportation demand management measures. By analyzing the performance of land use changes and transportation strategies related to GHG emissions reductions, the 2016 RTP/SCS concluded that GHG emissions per capita relative to 2005 emissions would be reduced by 8% in 2020, 18% in 2035, and 21% in 2040 in the SCAG region, which would exceed CARB's required reduction targets. These future GHG goals and conditions would be met in 2040 if investments and strategies detailed in the 2016 RTP/SCS are fully realized.

### *SCAQMD*

SCAQMD has released draft guidance regarding interim CEQA GHG significance thresholds. In October 2008, SCAQMD proposed the use of a percent emission reduction target to determine significance for commercial, residential or mixed-use projects that emit greater than 3,000 metric tons of CO<sub>2</sub>e per year. On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim GHG significance threshold for stationary source/industrial projects where SCAQMD is lead agency. However,

SCAQMD has yet to formally adopt a GHG significance threshold for land use development projects (e.g., residential/commercial projects). Although the SCAQMD has formed a GHG Significance Threshold Working Group to further evaluate potential GHG significance thresholds, this group has not met since 2010.

**a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less Than Significant Impact.** Notwithstanding the regulatory plans and building code updates discussed above, there are no federal, state or local adopted thresholds of significance for addressing a residential project's GHG emissions pursuant to CEQA. Section 15064.4 of the CEQA Guidelines provides direction to lead agencies in determining the significance of the impacts of GHGs, however, it does not establish a specific threshold of significant. Since neither the SCAQMD nor the City of Los Angeles have adopted quantitative thresholds of significance for a non-residential project's generation of greenhouse gas emissions, the following analysis is based on a combination of the requirements outlined in the CEQA Guidelines. As required in Section 15064.4 of the CEQA Guidelines, this analysis includes an impact determination based on the following:

- A. The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- B. Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and
- C. The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

The Guidelines do not mandate the use of absolute numerical thresholds to measure the significance of greenhouse gas emissions. Therefore, for purposes of this analysis, a significant impact would occur if the Proposed Project's design features are not substantially consistent with the applicable policies and/or regulations outlined in the Scoping Plan, SB 375, SCAG's 2016 RTP/CSC, and the L.A. Green Building Code.

**Construction**

Construction of the Proposed Project would emit GHG emissions through the combustion of fossil fuels by heavy-duty construction equipment and through vehicle trips generated by construction workers traveling to and from the Project Site. These impacts would vary day to day over the approximate 30-month duration of construction activities.

Emissions of GHGs were calculated using CalEEMod (*Version 2016.3.2*) for each year of construction of the Proposed Project and the results of this analysis are presented in Table III-4, Proposed Project Construction-Related Greenhouse Gas Emissions. As shown in Table III-4, the total GHG emissions from construction activities related to the Proposed Project would be 4,298 metric tons, with the highest GHG emissions occurring in the year 2019.

**Table III-4  
Proposed Project Construction-Related Greenhouse Gas Emissions**

<b>Year</b>	<b>CO<sub>2</sub>e Emissions (Metric Tons per Year) <sup>a</sup></b>
2018	501
2019	2,181
2020	1,479
2021	137
<b>Total Construction GHG Emissions</b>	<b>4,298</b>
<sup>a</sup> Construction CO <sub>2</sub> values were derived using CalEEMod Version 2016.3.2 Calculation data and results are provided in Appendix D, Greenhouse Gas Emissions Calculations Worksheets. Parker Environmental Consultants, 2017.	

## Operation

### *Baseline GHG Emissions*

The Project Site is currently improved with a surface parking lot that provides general parking for other land uses in the surrounding area. The vehicle trips associated with the vehicles that park on-site are not generated by on-site land uses and would occur even if the Project Site were to cease operations as a surface parking lot. As such, the baseline GHG emissions for the existing uses are assumed to be zero.

### *Project GHG Emissions*

The GHG emissions resulting from operation of the Proposed Project, which involves the usage of on-road mobile vehicles, electricity, natural gas, water, landscape equipment and generation of solid waste and wastewater, were calculated under two separate scenarios in order to illustrate the effectiveness of the Proposed Project's compliance with the Green Building Code and other mitigating features that would be effective in reducing GHG emissions. The Proposed Project's emissions were estimated using CalEEMod for a base project without the enhanced energy conservation measures mandated by the Green Building Code and with GHG reduction measures to effectively estimate the net benefit of code compliance measures in terms of a reduction in GHG emissions. As shown in Table III-5, below, the net increase in GHG emissions generated by a baseline project without GHG reduction measures would be 9,026.63 CO<sub>2</sub>e MTY and the Proposed Project with adherence to GHG reduction measures would result in a net increase of 8,204.63 CO<sub>2</sub>e MTY. For purposes of this comparison, it should be noted that the Proposed Project's structural and operational features would include installing energy efficient lighting, low flow plumbing fixtures, ENERGY STAR-rated appliances, and implementing an operational recycling program during the life of the Project. When considering the fact that the Project is an infill development and is recycling land and reutilizing existing structures, which is encouraged through the state, regional and local plans and policies (i.e., SB32, SB375, and SCAG's 2016 RTP/SCS growth strategy), the Proposed Project would realize a 9% reduction in GHG emissions as compared to a base project of the same size without replacing an existing land use. The percent reduction calculated above is not a quantitative threshold of significance, but shows the efficacy of the Proposed Project's compliance with

the various regulations, plans, and policies that have been adopted with the intent of reducing GHG emissions in furtherance of the State’s GHG reduction targets under SB 32.

Through required implementation of the Green Building Code and because of the Proposed Project’s location on an infill site as well as the Site’s walkability and proximity to regional transit systems, the proposed Project would be consistent with local and statewide goals and policies aimed at reducing the generation of GHGs, including CARB’s SB 32 Scoping Plan. Moreover, as demonstrated below, the Proposed Project is consistent with the Scoping Plan, SB 375, SCAG’s 2016 RTP/CSC, and the L.A. Green Building Code. Therefore, the Proposed Project’s generation of GHG emissions would not make a project-specific or cumulatively considerable contribution to GHG emissions, and impacts would be less than significant.

**Table III-5  
Proposed Project Operational Greenhouse Gas Emissions**

Emissions Source	Estimated Project Generated CO <sub>2</sub> e Emissions (Metric Tons per Year)		
	Project Without GHG Reduction Measures	Proposed Project	Percent Reduction
Area	181.20	181.20	0%
Energy	3,649.27	3,649.27	0%
Mobile	4,283.43	3,640.92 <sup>a</sup>	15%
Waste	169.30	84.65	50%
Water	600.15	505.31	16%
Construction Emissions <sup>b</sup>	143.28	143.28	--
<b>Project Net Total</b>	<b>9,026.63</b>	<b>8,204.63</b>	<b>9%</b>

*Notes:*

- Project Without GHG Reduction Measures estimates GHG emissions from mobile trips without TDM Program; the GHG emissions under Proposed Project incorporates a 15% reduction in daily trips from TDM Program per the Project Traffic Study (See Appendix H).*
- The total construction GHG emissions were amortized over 30 years and added to the operation of the Proposed Project. Calculation data and results provided in Appendix D, Greenhouse Gas Emissions Calculations Worksheets. Parker Environmental Consultants, 2017.*

Consistency with AB 32 Scoping Plan

**Table III-6  
Consistency with Applicable AB 32 Scoping Plan Measures**

<p><b>Energy Efficiency.</b> Maximize energy efficiency building and appliance standards and pursue additional efficiency efforts including new technologies, and new policy and mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California.</p>	<p><b>Consistent.</b> The Project would be designed and constructed to meet LA Green Building Code standards by including several measures designed to reduce energy consumption including but not limited to installing efficient lighting fixtures, low flow plumbing fixtures, installing ENERGY Star rated appliances, and infrastructure to support electric vehicle supply equipment.</p>
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<p><b>Renewables Portfolio Standard.</b> Achieve 33 percent renewable energy mix statewide.</p>	<p><b>Consistent.</b> The Project would use energy from the Los Angeles Department of Water and Power (LADWP), which has goals to diversify its portfolio of energy sources to increase the use of renewable energy to 35%.</p>
<p><b>Green Building Strategy.</b> Expand the use of green building practices to reduce the carbon footprint of California’s new and existing inventory of buildings.</p>	<p><b>Consistent.</b> The Project would be designed and constructed to meet LA Green Building Code standards by including several measures designed to reduce energy consumption including but not limited to installing efficient lighting fixtures, low flow plumbing fixtures, installing ENERGY Star rated appliances, and infrastructure to support electric vehicle supply equipment.</p>
<p><b>Recycling and Waste.</b> Reduce methane emissions at landfills. Increase waste diversion, composting and other beneficial uses of organic materials and mandate commercial recycling. Move toward zero waste.</p>	<p><b>Consistent.</b> The Project would result in a less than significant impact on landfill capacity. (see response to Checklist Question XVIII, below). It would meet the City’s 70 percent waste diversion rate goal and comply with the City’s Zero Waste Plan, which will reduce solid waste, increase recycling, and manage trash in the City through the year 2030.</p>
<p><b>Water.</b> Continue efficiency programs and use cleaner energy sources to move and treat water.</p>	<p><b>Consistent.</b> The Project would use water-efficient landscaping including point-to-point irrigation and a smart controller drip system to reduce water use. As part of its application for a water supply assessment from the LADWP, the Applicant has committed to implement the following water conservation measures that are in addition to those required by codes and ordinances for the entire Project:</p> <ul style="list-style-type: none"> <li>o High Efficiency Toilets with flush volume of 1.0 gallons of water per flush</li> <li>o Energy Star Certified Clothes Washers (Residential) – water factor of 3.2 and capacity of 4.5 cu-ft, front loading</li> <li>o Showerheads with flow rate of 1.5 gallons per minute or less</li> <li>o Drought Tolerant Plants – 70% of total landscaping</li> <li>o Domestic Water Heating System located close proximity to point(s) of use</li> <li>o Individual Metering and billing for water use for every residential dwelling unit and commercial unit</li> <li>o Drip/Subsurface Irrigation (Micro-Irrigation)</li> <li>o Proper Hydro-zoning (groups plants with similar water requirements together) Zoned Irrigation</li> </ul> <p>The Applicant has also committed to comply with the City of Los Angeles Low Impact Development Ordinances (City Ordinance No. 181899 and No.183833) and to implement Best</p>

	Management Practices that have stormwater recharge or reuse benefits for the entire Project as feasible, pending final determination.
<i>Measures not listed are not applicable to this project. Source: Parker Environmental Consultants</i>	

Consistency with SB 375

California SB 375 requires integration of planning processes for transportation, land-use and housing. Under the bill, each Metropolitan Planning Organization would be required to adopt a Sustainable Community Strategy to encourage compact development that reduces passenger vehicle miles traveled and trips so that the region will meet the target provided in the Scoping Plan, created by CARB, for reducing GHG emissions. SB 375 requires SCAG to direct the development of the SCS for the region. A discussion of the Project’s consistency with the SCS is provided further below.

Consistency with 2016-2040 RTP/SCS

The Project would be consistent with the following key GHG reduction strategies in SCAG’s 2016-2040 RTP/SCS which are based on changing the region’s land use and travel patterns:

- Compact growth in areas accessible to transit;
- More multi-family housing;
- Jobs and housing closer to transit;
- New housing and job growth focused in High Quality Transit Areas (HQTA); and
- Biking and walking infrastructure to improve active transportation options, transit access.

The Project represents an infill development within an existing urbanized area that would concentrate new residential and neighborhood serving commercial uses within a High Quality Transit Area (HQTA), the 2016-2040 RTP/SCS defines as generally walkable transit villages or corridors that are within 0.5-mile of a well-serviced transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours. The Project Site is served by two nearby Metro Stations within one-half mile of the Project Site. The Pico/Flower Station is located approximately 0.4 miles west of the Project Site and the 7<sup>th</sup> Street/Metro Center Station is located approximately 0.5 miles northwest of the Project Site. In addition, the Project would also provide bicycle storage areas for Project residents and guests. The Project would provide residents and visitors with convenient access to public transit and opportunities for walking and biking, which would facilitate a reduction in vehicle miles traveled and related vehicular GHG emissions. These and other measures would further promote a reduction in vehicle miles traveled and subsequent reduction in GHG emissions, which would be consistent with the goals of SCAG’s 2016–2040 RTP/SCS.

**Table III-7  
Consistency Analysis with the**

**2016-2040 Regional Transportation Plan / Sustainable Community Strategy**

Goals and Policies	Consistency Assessment
<p><b>2016-2040 RTP/SCS Goal 1</b> Align the plan investments and policies with improving regional economic development and competitiveness.</p>	<p><b>Not Applicable.</b> This Goal is directed towards SCAG and the City of Los Angeles and not does apply to the Proposed Project.</p>
<p><b>2016-2040 RTP/SCS Goal 2</b> Maximize mobility and accessibility for all people and goods in the region.</p>	<p><b>Consistent.</b> The Project Site is located in a highly urbanized area of Downtown Los Angeles within a High Quality Transit Area (as defined by SCAG). The Proposed Project would develop new residential and commercial uses in walking distance to numerous services, retail, and employment opportunities. Additionally, the Project Site is located within ½ mile of two Metro stations and numerous bus routes with peak commute service intervals of 15 minutes or less. The location of the Proposed Project encourages a variety of transportation options and access and is therefore consistent with this Goal.</p>
<p><b>2016-2040 RTP/SCS Goal 3</b> Ensure travel safety and reliability for all people and goods in the region.</p>	<p><b>Consistent.</b> The Proposed Project would comply with LAMC and LADOT standards for Project Site access. Further, the Proposed Project would be subject to the site plan review requirements of the City of Los Angeles and work with the Department of Building and Safety and the Los Angeles Fire Department to ensure that all access roads, driveways and parking areas would not create a design hazard to local roadways. As such, the Proposed Project would support this goal.</p>
<p><b>2016-2040 RTP/SCS Goal 4</b> Preserve and ensure a sustainable regional transportation system.</p>	<p><b>Not Applicable.</b> This goal is directed towards SCAG and does not apply to the Proposed Project. The 2016-2040 RTP/SCS states, “A transportation system is sustainable if it maintains its overall performance over time in an equitable manner with minimum damage to the environment, and at the same time does not compromise the ability of future generations to address their transportation needs. Sustainability, therefore, pertains to how our decisions today impact future generations. One of the measures used to evaluate system sustainability is the total inflation-adjusted cost per capita to maintain our overall multimodal transportation system performance at current conditions. The 2016-2040 RTP/SCS includes two additional new measures to support this outcome: State Highway System pavement condition and local roads pavement condition.”<sup>20</sup></p> <p>The Proposed Project would result in a less than significant impact to CMP monitoring locations (including arterials and freeways) and public transit. As such, the Proposed Project would not conflict with the regional transportation system.</p>
<p><b>2016-2040 RTP/SCS Goal 5</b> Maximize the productivity of our transportation system.</p>	<p><b>Not Applicable.</b> This goal is directed towards the SCAG region to maximize the productivity of the transportation system.</p>

<sup>20</sup> SCAG, 2016-2040 RTP/SCS, April 2016 (page 164).

**Table III-7  
Consistency Analysis with the**

**2016-2040 Regional Transportation Plan / Sustainable Community Strategy**

Goals and Policies	Consistency Assessment
<p><b>2016-2040 RTP/SCS Goal 6</b> Protect the environment and health of our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking).</p>	<p><b>Consistent.</b> As discussed in Section III, Air Quality, the Proposed Project would result in a less than significant impact regarding air quality during construction and operation. The Proposed Project would place residential units and ground-floor commercial space in a transit-rich and pedestrian-oriented area. The Project Site's location near mass transit and in walking distance to services, retail stores, and employment opportunities promotes a pedestrian-friendly environment. The location of the Proposed Project promotes the use of a variety of transportation options, which includes walking, biking, and the use of public transportation. Thus, this would reduce vehicles-per-miles traveled and aim to improve air quality. As such, the Proposed Project would support public transportation and improve air quality.</p>
<p><b>2016-2040 RTP/SCS Goal 7</b> Actively encourage and create incentives for energy efficiency, where possible.</p>	<p><b>Consistent.</b> The Proposed Project would comply with applicable provisions of the City of Los Angeles Green Building Code and the California Green Building Code.</p>
<p><b>2016-2040 RTP/SCS Goal 8</b> Encourage land use and growth patterns that facilitate transit and active transportation.</p>	<p><b>Consistent.</b> As stated above, the Project Site is located in a highly urbanized area of Downtown Los Angeles within a High Quality Transit Area (as defined by SCAG). The Proposed Project would develop new residential and commercial uses in walking distance to numerous services, retail, and employment opportunities. Additionally, the Project Site is located within ½ mile of two Metro stations and numerous bus routes with peak commute service intervals of 15 minutes or less. The location of the Proposed Project encourages a variety of transportation options and access and is therefore consistent with this Goal.</p>
<p><b>2016-2040 RTP/SCS Goal 9</b> Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.</p>	<p><b>Not Applicable.</b> This goal is directed towards SCAG to ensure the safety and security of the regional transportation system. No further discussion is required.</p>
<p><b>2016-2040 RTP/SCS Guiding Policy 1</b> Transportation investments shall be based on SCAG's adopted regional Performance Indicators.</p>	<p><b>Not Applicable.</b> This policy is directed towards SCAG in allocating transportation investments. This goal does not apply to the individual development projects, and no further analysis is required.</p>
<p><b>2016-2040 RTP/SCS Guiding Policy 2</b> Ensuring safety, adequate maintenance and efficiency of operations on the existing multimodal transportation system should be the highest RTP/SCS priorities for any incremental funding in the region.</p>	<p><b>Not Applicable.</b> This policy is directed towards SCAG in allocating transportation system funding and does not apply to the Proposed Project.</p>
<p><b>2016-2040 RTP/SCS Guiding Policy 3</b> RTP/SCS land use and growth strategies in the RTP/SCS will respect local input and advance smart growth initiatives.</p>	<p><b>Not Applicable.</b> This Goal is directed towards SCAG and the City of Los Angeles and not does apply to the Proposed Project. However, the Proposed Project is an infill development in a High Quality Transit Area (defined by SCAG) and is within a major employment center. The Proposed Project would place residential units and ground-floor commercial space in a transit-rich and pedestrian-oriented area. Additionally, the Project Site is located within numerous bus routes with peak commute service intervals of</p>

**Table III-7  
Consistency Analysis with the**

**2016-2040 Regional Transportation Plan / Sustainable Community Strategy**

Goals and Policies	Consistency Assessment
	15 minutes or less. The Project Site's location near mass transit and in walking distance to services, retail stores, and employment opportunities promotes a pedestrian-friendly environment. The location of the Proposed Project promotes the use of a variety of transportation options, which includes walking, biking, and the use of public transportation. Therefore, the Proposed Project would be consistent with the SCAG's goals of increasing mixed commercial/residential uses in transit-rich areas near services, retail, and employment opportunities to reduce vehicles-per-miles traveled.
<b>2016-2040 RTP/SCS Guiding Policy 4</b> Transportation demand management (TDM) and active transportation will be focus areas, subject to Policy 1.	<b>Not Applicable.</b> This policy is directed towards transportation investment by SCAG. However, the Proposed Project would support active transportation (e.g. walking and bicycling) by providing a mixed-use development, providing pedestrian and bicycle facilities on site, and increasing the use of public transportation.
<b>2016-2040 RTP/SCS Guiding Policy 5</b> HOV gap closures that significantly increase transit and rideshare usage will be supported and encouraged, subject to Policy 1.	<b>Not Applicable.</b> This policy is directed towards transportation investment by SCAG to support HOV, transit and rideshare.
<b>2016-2040 RTP/SCS Guiding Policy 6</b> The RTP/SCS will support investments and strategies to reduce non-recurrent congestion and demand for single occupancy vehicle use, by leveraging advanced technologies.	<b>Not Applicable.</b> This Guiding Policy relates to SCAG goals in supporting investments and strategies to reduce non-recurrent congestion and the use of single occupancy vehicles, by leveraging advanced technologies. Nevertheless, the Proposed Project would support public transportation and other alternative methods of transportation (e.g., walking and biking).
<b>2016-2040 RTP/SCS Guiding Policy 7</b> The RTP/SCS will encourage transportation investments that result in cleaner air, a better environment, a more efficient transportation system and sustainable outcomes in the long run.	<b>Not Applicable.</b> This policy is directed towards SCAG and governmental agencies to encourage and support transportation investments.
<b>2016-2040 RTP/SCS Guiding Policy 8</b> Monitoring progress on all aspects of the Plan, including the timely implementation of projects, programs, and strategies, will be an important and integral component of the Plan.	<b>Not Applicable.</b> This policy is directed towards SCAG and the City of Los Angeles to monitor the progress of all aspects of the Plan, and not does apply to the Proposed Project.
<b>2016-2040 RTP/SCS Land Use Policy 1</b> Identify regional strategic areas for infill and investment.	<b>Not Applicable.</b> This policy is directed towards SCAG to identify regional strategic areas. The Proposed Project would redevelop a site that is currently developed with a surface parking lot. The Proposed Project would be providing a mixed-use development with multi-family units and commercial uses in an urbanized area within the City of Los Angeles.

**Table III-7  
Consistency Analysis with the**

**2016-2040 Regional Transportation Plan / Sustainable Community Strategy**

Goals and Policies	Consistency Assessment
<b>2016-2040 RTP/SCS Land Use Policy 2</b> Structure the plan on a three-tiered system of centers development. <sup>21</sup>	<b>Not Applicable.</b> This Land Use Policy is directed towards SCAG and not does apply to the Proposed Project.
<b>2016-2040 RTP/SCS Land Use Policy 3</b> Develop “Complete Communities.”	<b>Consistent.</b> SCAG describes the development of “complete communities” to provide areas that encourages households to be developed with a range of mobility options to complete short trips. The 2016-2040 RTP/SCS supports the creation of these districts through a concentration of activities with housing, employment, and a mix of retail and services, located in close proximity to each other, where most daily needs can be met within a short distance of home, providing residents with the opportunity to patronize their local area and run daily errands by walking or cycling rather than traveling by automobile. <sup>22</sup>  As stated above, the Proposed Project includes the development of a mixed-use project, which would provide residents in close proximity to employment and patronage opportunities. Further, the Proposed Project is within walking distance of services, retail stores, and employment opportunities in the Downtown Los Angeles area. Therefore, the Proposed Project would be consistent with the SCAG’s goals of increasing mixed commercial/residential uses in transit-rich areas near services, retail, and employment opportunities to reduce vehicles-per-miles traveled.
<b>2016-2040 RTP/SCS Land Use Policy 4</b> Develop nodes on a corridor.	<b>Consistent.</b> The 2016-2040 RTP/SCS describes nodes as mixed-use development centers at key locations that meet most of residents’ daily needs and that support livable corridors. This policy is directed towards SCAG and City goals to identify and develop locations that promote nodes. Nevertheless, the Proposed Project’s mixed-use design and location encourages the use of alternative transportation and walking and bicycling opportunities. Additionally, on-site commercial uses would provide employment and patronage opportunities for residents on the Project Site and in the Project Site area.
<b>2016-2040 RTP/SCS Land Use Policy 5</b> Plan for additional housing and jobs near transit.	<b>Consistent.</b> As discussed within this table, the Proposed Project includes a mixed-use development which would place housing and jobs (including retail and restaurant opportunities) on the same Project Site and in close proximity to an existing residential neighborhood. Additionally, the Proposed Project would support pedestrian and bicycle mobility and promote a variety of public transportation options to allow future residents to live and work

<sup>21</sup> *The 2016-2040 RTP/SCS reaffirms the 2008 Advisory Land Use Policies that were incorporated into the 2012-2035 RTP/SCS. The complete language from the original SCAG Advisory Land Use Policies is “Identify strategic centers based on a three-tiered system of existing, planned and potential relative to transportation infrastructure. This strategy more effectively integrates land use planning and transportation investment.” A more detailed description of these strategies and policies can be found on pages 90–92 of the SCAG 2008 Regional Transportation Plan, adopted in May 2008.*

<sup>22</sup> *SCAG, 2016-2040 RTP/SCS, April 2016 (page 79).*

**Table III-7  
Consistency Analysis with the**

**2016-2040 Regional Transportation Plan / Sustainable Community Strategy**

Goals and Policies	Consistency Assessment
<p><b>2016-2040 RTP/SCS Land Use Policy 6</b> Plan for changing demand in types of housing.</p>	<p>within the community. <b>Consistent.</b> The Proposed Project would provide 700 multi-family units within a mixed-use development within the City of Los Angeles. The multi-family units will meet the changing demand for units within walking distance of employment and patronage opportunities and transit options. The Proposed Project’s units would be contributing to a range of housing choices and would be available to all persons, including existing employees and residents on the Project Site and in the Project area.</p>
<p><b>2016-2040 RTP/SCS Land Use Policy 7</b> Continue to protect stable, existing single-family areas.</p>	<p><b>Consistent.</b> The Proposed Project would not demolish any existing single-family homes. The Project Site is currently developed with a surface parking lot.</p>
<p><b>2016-2040 RTP/SCS Land Use Policy 8</b> Ensure adequate access to open space and preservation of habitat.</p>	<p><b>Consistent.</b> The Proposed Project would provide 86,976 square feet of open space that exceeds the required amount pursuant to the LAMC. The open space amenities would include, but not limited to, a ground-floor lobby area, 5<sup>th</sup> level landscaped deck and amenity area, and private balconies. The Proposed Project’s on-site open space would reduce the Project’s demand upon public recreational facilities. Proposed Project’s open space would encourage open space necessary to support residential neighborhoods.  Additionally, the Project Site is occupied with a surface parking lot, and the Proposed Project would not encroach on any existing natural habitat.</p>
<p><b>2016-2040 RTP/SCS Land Use Policy 9</b> Incorporate local input and feedback on future growth.</p>	<p><b>Not Applicable.</b> This Land Use Policy is directed towards SCAG and not does apply to the Proposed Project.</p>
<p><b>2016-2040 RTP/SCS Benefit 1:</b> The RTP/SCS will promote the development of better places to live and work through measures that encourage more compact development in certain areas of the region, varied housing options, bicycle and pedestrian improvements, and efficient transportation infrastructure.</p>	<p><b>Consistent.</b> The Proposed Project includes the development of a mixed-used project consisting of multi-family residential units and commercial space (consisting of restaurant and retail uses). The Proposed Project incorporates aspects of a compact development by providing the proposed development on a previously developed surface parking lot. The Proposed Project’s mixed-use nature would place residences in close proximity to employment and patronage opportunities. The commercial uses on-site would further support the pedestrian activity along Hill Street and Olympic Boulevard by providing ground-floor commercial uses that would front these major commercial corridors.  Further, the Proposed Project includes a mix of studio, one-bedroom, two-bedroom, and penthouse units. These units would be provided at market rate. As such, the Proposed Project increase housing options to accommodate a range of households.  (i) As discussed above, the Proposed Project would include pedestrian and bicycling improvements and commercial development that would support bicycle and pedestrian activity on the Project Site and in the Project Site area. The Project Site is located within ½ mile of numerous bus routes with peak commute service intervals of 15 minutes or less. As such, the Proposed Project would support bicycle and pedestrian improvements and promote efficient transportation.</p>

**Table III-7  
Consistency Analysis with the**

**2016-2040 Regional Transportation Plan / Sustainable Community Strategy**

Goals and Policies	Consistency Assessment
<p><b>2016 RTP/SCS Benefit 2:</b> The RTP/SCS will encourage strategic transportation investments that add appropriate capacity and improve critical road conditions in the region, increase transit capacity and expand mobility options. Meanwhile, the Plan outlines strategies for developing land in coming decades that will place destinations closer together, thereby decreasing the time and cost of traveling between them.</p>	<p><b>Not Applicable.</b> Benefit 2 is directed towards SCAG and does not apply to the Proposed Project. The Proposed Project is a mixed-use project, which would provide multi-family residential apartments and commercial uses. The Project Site’s location near mass transit and in walking distance to services, retail stores, and employment opportunities promotes a pedestrian-friendly environment. The location of the Proposed Project promotes the use of a variety of transportation options, which includes walking, biking, and the use of public transportation.</p>
<p><b>2016 RTP/SCS Benefit 3:</b> The RTP/SCS is expected to result in less energy and water consumption across the region, as well as lower transportation costs for households.</p>	<p><b>Consistent.</b> The Proposed Project includes numerous energy-efficient design features, such as ENERGY STAR-rated appliances and electric vehicle supply equipment. It will comply with the City of Los Angeles Green Building Code and the California Green Building Code, which provide provisions for energy and water conservation. The Project’s incorporation of bicycle- and pedestrian-friendly elements and location near bus lines will provide future residents with various affordable transportation options.</p>
<p><b>2016 RTP/SCS Benefit 4:</b> Improved placemaking and strategic transportation investments will help improve air quality; improve health as people have more opportunities to bicycle, walk and pursue other active alternatives to driving; and better protect natural lands as new growth is concentrated in existing urban and suburban areas.</p>	<p><b>Consistent.</b> While this Benefit is directed toward SCAG goals to improve placemaking and strategic transportation investments, the Proposed Project would support the intent of this Benefit. The Proposed Project would redevelop an underutilized site that is currently developed with a surface parking lot and construct a mixed-use development that would include multi-family residential units and approximately 15,000 square feet of commercial space. The commercial area would consist of a mix of restaurant and retail uses.</p> <p>The Proposed Project will encourage improved access and mobility by providing both residential and commercial uses on a single site. The on-site commercial uses would provide employment and patronage opportunities within walking distance of on-site residents and the nearby multi-family residential developments.</p> <p>In addition, the Project Site is located within ½ mile of two Metro stations and numerous bus routes with peak commute service intervals of 15 minutes or less. The location of the Proposed Project promotes the use of a variety of transportation options, which includes walking, biking, and the use of public transportation. Thus, this would reduce vehicles-per-miles traveled, promote alternatives to driving, and aim to improve air quality.</p>
<p><i>Source: Southern California Association of Governments, 2016-2040 RTP/SCS, April 2016.</i></p>	

Consistency with L.A. Green Building Code

The L.A. Green Code contains both mandatory and voluntary green building measures for the reduction of GHG emissions through energy conservation. Among many requirements, the L.A. Green Code requires projects to achieve a 20 percent reduction in potable water use and wastewater generation, meet

and exceed Title 24 Standards adopted by the California Energy Commission, meet 50 percent construction waste recycling levels, provide on-site storage for short and long term bicycle parking areas, provide Energy Star rated appliances where applicable, and provide electric vehicle supply wiring for 5% of the project's code required parking. The Project would comply with these mandatory measures. Therefore, the Project is consistent with the L.A. Green Building Code.

**b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**Less Than Significant Impact.** Although not specified in the *L.A. CEQA Thresholds Guide*, a significant impact would occur if the Proposed Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. The Proposed Project would comply with the City of Los Angeles' Green Building Ordinance standards that reduce emissions beyond the "Business-as-Usual" scenario, and are consistent with the SB 32 Scoping Plan's recommendation for communities to adopt building codes that go beyond the state's codes. The Proposed Project would incorporate several measures and design elements that reduce the carbon footprint of the development:

**1. Infill Development.** The Proposed Project is located on an infill site that is currently developed with a surface parking lot. The Proposed Project would include the demolition of the existing land uses which would off-set some of the Project's operational emissions. The Project Site is also located in an area that is adequately served by existing infrastructure and would not require the extension of utilities or roads to accommodate the proposed development.

**2. Transit Priority Area.** The Proposed Project is also located in a Transit Priority Area as defined by CEQA Sections 21099 and 21064.3. Studies by the California Department of Transportation, the U.S. Environmental Protection Agency and the Metropolitan Transportation Commission have found that focusing development in areas served by transit can result in local, regional and statewide benefits including reduced air pollution and energy consumption. The Proposed Project's mixed-use nature and close proximity to neighborhood-serving restaurant/retail land uses and regional transit would result in fewer trips and a reduction to the Proposed Project's vehicle miles traveled (VMTs) as compared to the base trip rates for similar stand-alone residential uses that are not located in close proximity to transit.

**3. Energy Conservation.** The Proposed Project must meet Title 24 2016 standards for residential and non-residential uses and include ENERGY STAR-rated appliances.

**4. Solid Waste Reduction Efforts.** California Green Building Code Section 4.408.1, imposes mandatory measures for residential projects that require developers to recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with either Section 4.408.2, 4.408.3 or 4.408.4, or meet a more stringent local construction and demolition waste management ordinance. Diversion efforts would be accomplished through source reduction, recycling, and composting. Finally, the Proposed Project is required by the California Solid Waste Reuse and Recycling Access Act of 1991 to provide adequate storage areas for collection and storage of recyclable waste materials. As such, a 50 percent reduction of a

Project's waste stream to the local landfill would reduce methane emissions and thus lower the Project's contribution to global GHG emissions.

**5. Water Conservation.** The Proposed Project would be required to provide a schedule of plumbing fixtures and fixture fittings that reduce potable water use within the development in order to exceed the prescriptive water conservation plumbing fixture requirements of Sections 4.303.1.1 through 4.303.1.4.4 of the California Plumbing Code in accordance with the California Building Energy Efficiency Standards by 20%. It must also provide irrigation design and controllers that are weather- or soil moisture-based and automatically adjust in response to weather conditions and plants' needs.

As described above and in Question VII(a), the Proposed Project would be consistent with local and statewide goals and policies aimed at reducing the generation of GHGs, including SB 32, SB 375, the L.A. Green Building Code, and CARB's 2017 Scoping Plan. Therefore, the Proposed Project's generation of GHG emissions would not make a project-specific or cumulatively considerable contribution to conflicting with an applicable plan, policy or regulation for the purposes of reducing the emissions of greenhouse gases and, the Proposed Project's impact would be less than significant.

### **Cumulative Impacts**

The GHG emissions from mixed-use residential and commercial development are relatively very small in comparison to state or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. Rather, it is the increased accumulation of GHG from more than one project and many sources in the atmosphere that may result in global climate change, which can cause the adverse environmental effects previously discussed. Accordingly, the threshold of significance for GHG emissions determines whether a project's contribution to global climate change is "cumulatively considerable." Many regulatory agencies, including the SCAQMD, concur that GHG and climate change should be evaluated as a potentially significant cumulative impact, rather than a project direct impact. Accordingly, the GHG analysis presented above analyzes whether the Proposed Project's impact would be cumulatively considerable using a plan-based approach (and quantitative and qualitative analysis) to determine the Proposed Project's contributing effect on global warming. Furthermore, the Proposed Project would be consistent with all applicable local ordinances, regulations and policies that have been adopted in furtherance of the state and City's goals of reducing GHG emissions. Thus, the Proposed Project would not make a cumulatively considerable contribution to GHG emissions, and impacts would be less than significant.

## **VIII. HAZARDS AND HAZARDOUS MATERIALS**

The following section summarizes and incorporates the reference information from the following reports:

- Phase I Environmental Site Assessment, W Olympic Boulevard and S Hill Street Property, Los Angeles, California, 90015 ("Phase I ESA"), prepared by Advantage Environmental Consultants, LLC ("AEC"), dated April 25, 2017; and

- Site Methane Investigation Report for New mixed-use complex with seven subterranean levels 1000-1034 S. Hill Street/220-226 W. Olympic Boulevard, Los Angeles, CA – 90015 (“Methane Report”), prepared by Methane Specialists, dated April 21, 2017.

The Phase I ESA is included as Appendix E, and the Methane Report is included as Appendix F of this IS/MND. The purpose of the Phase I ESA was to identify any Recognized Environmental Conditions (RECs) in connection with the Project Site. The term REC means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. The term REC includes hazardous substances or petroleum products even under conditions in compliance with laws. The purpose of the Methane Report was to measure subsurface soil gas concentrations and pressures of methane at the Project Site to determine site-specific methane mitigation requirements prescribed by the City’s Department of Building and Safety (Division 71 of the Los Angeles Building Code).

**a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a significant impact may occur if a project would involve the use or disposal of hazardous materials as part of its routine operations, or would have the potential to generate toxic or otherwise hazardous emissions that could adversely affect sensitive receptors. The Proposed Project includes the construction of a high-rise mixed-use development with up to 700 residential dwelling units and 15,000 square feet of ground-floor commercial uses. During the operation of the Proposed Project, no hazardous materials other than modest amounts of typical cleaning supplies and solvents used for housekeeping and janitorial purposes would routinely be transported to the Project Site. The use of these substances would comply with State Health Codes and Regulations.

Construction could involve the use of potentially hazardous materials, including vehicle fuels, oils, and transmission fluids. However, all potentially hazardous materials would be contained, stored, and used in accordance with manufacturers’ instructions and handled in compliance with applicable standards and regulations, which include requirements for disposal of hazardous materials at a facility licensed to accept such waste based on its waste classification and the waste acceptance criteria of the permitted disposal facilities. Therefore, the Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and impacts would be less than significant.

**b) Would the project create significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment?**

**Potentially Significant Unless Mitigation Incorporated.** A project would normally have a significant impact to hazards and hazardous materials if: (a) the project involved a risk of accidental explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation); or

(b) the project involved the creation of any health hazard or potential health hazard. According to the *L.A. CEQA Thresholds Guide*, the determination of significance shall be made on a case-by-case basis considering the following factors: (a) the regulatory framework for the health hazard; (b) the probable frequency and severity of consequences to people or property as a result of a potential accidental release or explosion of a hazardous substance; (c) the degree to which project design will reduce the frequency or severity of a potential accidental release or explosion of a hazardous substance; (d) the probable frequency and severity of consequences to people from exposure to the health hazard; and (e) the degree to which project design would reduce the frequency of exposure or severity of consequences to exposure to the health hazard.

The Project Site is developed with an asphalt-paved surface parking lot on the southeast corner of Hill Street and Olympic Boulevard.

### ***Methane***

The Project Site is located within a City of Los Angeles Methane Zone. Although the Project Site is located in a City-designated Methane Zone, oil and gas wells or pipelines were not identified on the Project Site during the visual inspection by AEC. No aboveground storage tanks (AST), or indication of the present existence of underground storage tanks (UST) were detected at the Project Site. In accordance with the City's building code requirements, the Project Applicant was required to submit a Form 1-Certificate of Compliance for Methane Test Data. Methane Specialists tested the methane concentrations on the Project Site and prepared a Methane Report, dated April 21, 2017. Methane Specialists conducted shallow soil gas tests and installed multiple-depth gas probe sets where the highest concentrations of soil gases are expected to be found. The results found detectable levels of methane encountered while testing at the Project Site. The Project Site falls under Design Level III, with less than 2 inches of water-column gas-pressure. Therefore, as per Methane Code Table 1A, the Proposed Project required both passive and active methane mitigation systems. The Proposed Project would be required to implement design features and mitigation measures required by the Department of Building and Safety for a Level III site to ensure that impacts related to methane would be less than significant.

### ***Site Reconnaissance***

The objective of the site reconnaissance was to obtain information indicating the likelihood of RECs in connection with the Project Site. The reconnaissance was conducted by AEC staff on April 5, 2017. AEC identified no significant environmental concerns that would represent RECs observed at the Project Site during the site reconnaissance.

### ***Previous Reports***

During the completion of a previous report, Phase I Environmental Site Assessment, 1023 Broadway & 1022 S Hill Street, Los Angeles California, prepared by AEC, and dated April 13, 2016, it was noted that a 1,000-gallon heating oil UST was removed from the 1022 S Hill Street portion of the Project Site. Subsequent site assessments noted the presence of petroleum-impacted soil beneath the former UST. However, the City of Los Angeles Fire Department (LAFD) concluded that the residual petroleum

hydrocarbon impacts did not warrant further action, and a no further action letter was issued in September 1990. AEC noted that because the planned development at the Project Site at the time did not require significant excavation or grading at the 1022 S Hill Street portion of the Site, such residual soil impacts were considered to be a historical recognized environmental condition that did not require additional assessment. As recommended in Mitigation Measure HAZ-1, when mass excavation/grading is to be conducted at this portion of the Project Site, proper soil management protocols would need to be followed in the event that petroleum hydrocarbon impacted soil is encountered and displaced. The assessment revealed no other evidence of RECs in connection with the Project Site.

### ***Records Review***

1022 S. Hill Street was listed on the UST database with no details provided. As previously discussed above, a UST was reportedly removed from this portion of the Project Site in 1990. There were no other listings for the Project Site on any of the standard regulatory databases searched by EDR. Several listings were mapped in the standard regulatory databases within ¼-mile of the Project Site (two SEMS, 33 ENVIROSTOR, seven LUST, and four SLIC). According to AEC, these properties are not considered to be significant environmental concerns to the Project Site based on several factors including the nature of the regulatory database listings, distance of the off-site listed properties to the Project Site, orientation of the listed properties relative to the Project Site, interpreted direction of groundwater flow, and/or regulatory case status information for the various properties as described in the database.

With the incorporation of a Soil Management Plan (refer to Mitigation Measures HAZ-1) and incorporation of recommended engineering control measures, impacts relating to release of hazardous materials would be mitigated to a less than significant level.

### **Mitigation Measures:**

#### **• HAZ-1      Soil Management Plan**

- <sup>a</sup> Due to the historic UST removed from 1022 S. Hill Street, when mass excavation/grading is to be conducted at this portion of the Project Site, proper soil management protocols pursuant to SCAQMD Rule 1166 would need to be followed in the event that petroleum hydrocarbon impacted soil is encountered and displaced.
- <sup>b</sup> Construction and grading activities on-site shall implement Soil Management Protocols to the satisfaction of the Los Angeles Fire Department and the Department of Building and Safety if hydrocarbon impacted soil is found.

#### **c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project-related significant adverse effect may occur if the Project Site is located within 0.25-mile of an existing or proposed school site, and is projected to release toxic emissions, which would pose a health hazard beyond regulatory thresholds. The closest school to the Project Site is Los Angelitos Early

Education Center, located at 400 W. 9<sup>th</sup> Street, approximately 0.15 miles north of the Project Site. No hazardous materials other than the modest amounts of typical cleaning supplies and solvents used for housekeeping and janitorial purposes would be present at the Project Site and use of these substances would comply with State Health Codes and Regulations. The anticipated local haul routes to and from the Project Site would utilize 9<sup>th</sup> Street, Hill Street, Olympic Boulevard, and 17<sup>th</sup> Street. Access to the Project Site from the 110 Freeway would utilize 9<sup>th</sup> Street, which is a one-way eastbound street to Hill Street. Traveling from the Project Site to the 110 Freeway, the haul route would utilize Olympic Boulevard westward to Georgia Street, and north on Georgia Street to the 110 freeway northbound on-ramp. Traveling to or from the Project Site to the 10 Freeway, the haul route would utilize Hill Street and 17<sup>th</sup> Street. Therefore, the proposed haul route would not pass by the aforementioned school. Therefore, the Proposed Project would not create a significant hazard through hazardous emissions or the handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school and a less than significant impact would occur.

- d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment?**

**Potentially Significant Unless Mitigation Incorporated.** California Government Code Section 65962.5 requires various state agencies to compile lists of hazardous waste disposal facilities, unauthorized releases from underground storage tanks, contaminated drinking water wells, and solid waste facilities from which there is known migration of hazardous waste, and submit such information to the Secretary for Environmental Protection on at least an annual basis. A significant impact may occur if the Project Site is included on any of the above lists and poses an environmental hazard to surrounding sensitive uses.

As stated previously, a Phase I ESA was prepared for the Proposed Project in April 2017 to acquire and review information regarding the history of activities on the Project Site. As described above, the Project Site is identified on the UST database with no details provided. The UST was reportedly removed from the Project Site in 1990. Residual soil impacts that are reportedly present in the subsurface in this area are considered to be a historical REC. The Phase I ESA determined that there are recognized environmental concerns associated with the Project Site. With compliance to mandatory state and federal regulatory compliance measures and incorporation mitigation measure HAZ-1, above, potential impacts would be reduced to less than significant levels.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project exacerbate current environmental conditions so as to result in a safety hazard for people residing or working in the project area?**

**No Impact.** A significant project-related impact may occur if the Proposed Project were placed within a public airport land use plan area, or within two miles of a public airport, and subject to a safety hazard. The closest public airport to the Project Site is the Los Angeles International Airport (LAX), located

approximately 12 miles southwest of the Project Site. However, the airport is not located within two miles of the Project Site. Furthermore, the Project Site is not in an airport hazard area. Therefore, no impact would occur.

**f) For a project within the vicinity of a private airstrip, would the project exacerbate current environmental conditions so as to result in a safety hazard for people residing or working in the project area?**

**No Impact.** A significant impact would occur if the Proposed Project were in the vicinity of a private airstrip and would subject area residents and workers to a safety hazard. The Project Site is not within the vicinity of a private airstrip. The closest private airstrip is the Hawthorne Municipal Airport, located approximately 11 miles southwest of the Project Site. Therefore, no impact would occur.

**g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**No Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally have a significant impact to hazards and hazardous materials if: (a) the project involved possible interference with an emergency response plan or emergency evacuation plan. According to the *L.A. CEQA Thresholds Guide*, the determination of significance shall be made on a case-by-case basis considering the degree to which the project may require a new, or interfere with an existing emergency response or evacuation plan, and the severity of the consequences. The Project Site is not located on an identified disaster route or an adopted emergency response or evacuation plan.<sup>23,24</sup> Development of the Project Site may require temporary and/or partial street closures due to construction activities. Nonetheless, while such closures may cause temporary inconvenience, they would not be expected to substantially interfere with emergency response or evacuation plans. The Proposed Project would not cause permanent alterations to vehicular circulation routes and patterns, impede public access or travel upon public rights-of-way. As discussed below under Transportation and Traffic, the Project would not create significant impacts at any of the study intersections during the morning and afternoon peak hours. Therefore, the Proposed Project would not be expected to interfere with any adopted emergency response plan or emergency evacuation plan, and no significant impacts would occur.

**h) Would the project exacerbate existing hazardous environmental conditions by bringing people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

**No Impact.** The Project Site is located in a highly urbanized area of Downtown Los Angeles and does not include wildlands or high fire hazard terrain or vegetation. The Project Site is not located in a Very High

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<sup>23</sup> *Los Angeles County Department of Public Works, City of Los Angeles Central Area Disaster Route Map, August 13, 2008.*

<sup>24</sup> *City of Los Angeles, Safety Element Exhibit H, Critical Facilities and Lifeline Systems in the City of Los Angeles, April 1995.*

Fire Hazard Severity Zone (VHFHSZ).<sup>25</sup> Therefore, no impacts from wildland fires are expected to occur.

### **Cumulative Impacts**

**Less Than Significant Impact.** Development of the Proposed Project in combination with the related projects has the potential to increase to some degree the risks associated with the use and potential accidental release of hazardous materials in the City of Los Angeles. However, the potential impact associated with the Proposed Project would be less than significant and, therefore, not cumulatively considerable. With respect to the related projects, the potential presence of hazardous substances would require evaluation on a case-by-case basis, in conjunction with the development proposals for each of those properties. The closest related projects are located directly across from the Project Site on Olympic Boulevard (see related project Nos. 32 and 75) and potential impacts were evaluated as part of their separate CEQA review processes and were found to result in less than significant impacts associated with hazardous materials and potential for risk of upset. Further, local municipalities are required to follow local, state, and federal laws regarding hazardous materials, which would further reduce impacts associated with the related projects. Therefore, with compliance with local, state, and federal laws pertaining to hazardous materials, the Proposed Project in conjunction with related projects would be expected to result in less-than-significant cumulative impacts with respect to hazardous materials.

## **IX. HYDROLOGY AND WATER QUALITY**

### **a) Would the project violate any water quality standards or waste discharge requirements?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally have a significant impact on surface water quality if discharges associated with the project would create pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code (CWC) or that cause regulatory standards to be violated, as defined in the applicable National Pollution Discharge Elimination System (NPDES) stormwater permit or Water Quality Control Plan for the receiving body of water. A significant impact may occur if a project would discharge water which does not meet the quality standards of agencies which regulate surface water quality and water discharge into stormwater drainage systems. Significant impacts would also occur if a project does not comply with all applicable regulations with regard to surface water quality as governed by the State Water Resources Control Board (SWRCB) through its nine Regional Boards. The Project Site lies within the Los Angeles Regional Water Quality Control Board (RWQCB). Applicable regulations include compliance with NPDES permitting system, LAMC Article 4.4, and the low impact development requirements, which reduces potential water quality impacts during the construction and operation of a project.

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<sup>25</sup> *City of Los Angeles, Department of City Planning, City of Los Angeles Zoning Information and Map Access System (ZIMAS), Parcel Profile Report, website: www.zimas.lacity.org, accessed September 2015.*

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**Construction**

Three general sources of potential short-term, construction-related stormwater pollution associated with the Proposed Project include: 1) the handling, storage, and disposal of construction materials containing pollutants; 2) the maintenance and operation of construction equipment; and 3) earth moving activities which, when not controlled, may generate soil erosion via storm runoff or mechanical equipment.

Prior to issuance of a grading permit, the Applicant shall obtain coverage under the State Water Resources Control Board NPDES Construction General Permit. The Applicant shall provide the Waste Discharge Identification Number to the City of Los Angeles to demonstrate proof of coverage under the Construction General Permit. A Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented for the Proposed Project in compliance with the requirements of the Construction General Permit. The SWPPP shall identify construction Best Management Practices (BMPs) to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in stormwater runoff as a result of construction activities.

The SWPPP would incorporate the required implementation of Best Management Practices (BMPs) for erosion control and other measures to meet the NPDES requirements for stormwater quality. Implementation of the BMPs identified in the SWPPP and compliance with the NPDES and City discharge requirements would ensure that the construction of the Proposed Project would not violate any water quality standards or discharge requirements, or otherwise substantially degrade water quality. Additionally, City of Los Angeles Ordinance No. 173,494 further sets procedures for stormwater pollution control for the planning and construction of development and redevelopment projects. As such, the implementation of the code-required SWPPP and compliance with Ordinance No. 173,494 would ensure that the Proposed Project's construction-related water quality impacts would be less than significant.

**Operation**

The Project Site is currently developed with a surface parking lot. The Project Site is completely covered with impervious surfaces. Thus, 100 percent of the surface water runoff from the Project Site is directed to adjacent storm drains and does not percolate into the groundwater table beneath the Project Site. Existing storm drain lines serving the Project Site are located along Hill Street and Olympic Boulevard. Stormwater flows south along Hill Street and onto stormwater inlets on the corner of Hill Street and 11<sup>th</sup> Street. Stormwater along Olympic Boulevard flows eastbound and onto stormwater inlets on the corner of Olympic Boulevard and Broadway.<sup>26</sup> These storm drain lines are owned and maintained by the City of Los Angeles. The Proposed Project would continue to generate surface water runoff, and runoff would be directed to existing stormwater inlets in a similar manner as existing conditions. The Proposed Project's potential impacts to surface water runoff would be reduced to a less than significant level by incorporating stormwater pollution control measures as set forth below that would regulate the amount

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<sup>26</sup> *City of Los Angeles, Bureau of Engineering, Navigate LA, website: <http://navigatela.lacity.org/navigatela/>, March 2017.*

and water quality of stormwater leaving the Project Site.

In November 2012, the Los Angeles adopted Order No. R4-2012-0175 the NPDES Stormwater Permit for the County of Los Angeles and cities within (NPDES No. CAS004001). The primary objectives of the stormwater program requirements are to: (1) effectively prohibit non-stormwater disc; and (2) reduce the discharge of pollutants from stormwater conveyance systems to the maximum extent practicable statutory standard.

The Proposed Project would be required to comply with the City of Los Angeles Stormwater and Urban Runoff Pollution Control Ordinance (Ordinance No. 172,176, effectuated October 1998), which established LAMC Sections 64.70 through 64.70.13 and set the foundation for stormwater management in the City of Los Angeles. Since the adoption of the Stormwater and Urban Runoff Pollution Control Ordinance, many additional ordinances have passed to keep LAMC Article 4.4, Stormwater and Urban Runoff Pollution Control, up to date. Approved in October 2011, the Low Impact Development (LID) Ordinance (Ordinance No. 181,899) expanded LAMC Article 4.4 and expanded the applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by imposing rainwater low impact development strategies on projects that require building permits. LAMC Article 4.4, including LID requirements, was recently amended in August 2015 with the approval of Ordinance No. 183,833, which incorporates the requirements of the Municipal Separate Storm Sewer (MS4) Permit. The Proposed Project would be required to prepare a LID Plan and demonstrate compliance with the LID requirements and standards and retain or treat the first  $\frac{3}{4}$ -inch of rainfall in a 24-hour period or the rainfall from an 85<sup>th</sup> percentile 24-hour runoff event, whichever is greater.<sup>27</sup>

The Proposed Project falls within the second tier of the LID Ordinance requirements, which state that development projects that involve five or more units intended for residential use and result in an alteration of at least 50 percent or more of the impervious surfaces on an existing developed site, the entire site must comply with the standards and requirements of Article 4.4 of Chapter VI of the LAMC and with the Development Best Management Practices Handbook. The Project Site shall be designed to manage and capture stormwater runoff to the maximum extent practicable utilizing various LID techniques, including but not limited to infiltration, evapotranspiration, capture for use, and treated through high removal efficiency bio-filtration / bio-treatment systems of all runoff on-site (listed in priority order). On-site stormwater management techniques must be designed so that no stormwater runoff leaving the Project Site for at least the volume of water produced by the Stormwater Quality Design Volume (SWQDv). Development and redevelopment projects are required to prepare a LID Plan, which comply with the provisions of the Development Best Management Practices Handbook. If partial or complete on-site compliance of any type is technically infeasible, the Project Site and LID Plan shall be required to manage the flow from the SWQDv on-site in order to maximize on-site compliance. For the remaining runoff that cannot feasibly be managed on-site, the Proposed Project would be required to implement off-site mitigation on public and/or private land within the same sub-watershed as defined by the MS4

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<sup>27</sup> *City of Los Angeles, Planning and Land Development Handbook for Low Impact Development (LID), Part B Planning Activities, 5th Edition, May 9, 2016.*

Permit.<sup>28</sup> Compliance with the LID requirements would reduce the amount of surface water runoff leaving the Project Site as compared to existing conditions.<sup>29</sup>

In compliance with the LID Plan, prior to issuance of grading permits, the Applicant shall submit a LID Plan and design plans to the City of Los Angeles Department of Building and Safety and the Bureau of Sanitation Watershed Protection Division for review and approval. The Low Impact Development Plan shall be prepared consistent with the requirements of the Development Best Management Practices Handbook. The BMPs shall be designed to retain or treat the runoff from a storm event producing ¼-inch of rainfall in a 24-hour period or the rainfall from an 85<sup>th</sup> percentile 24-hour runoff event (whichever is greater), in accordance with the Planning and Land Development Handbook for Low Impact Development, Part B Planning Activities. A signed certificate from a licensed civil engineer or licensed architect confirming that the proposed BMPs meet the numerical threshold standard shall be provided.

To ensure that all stormwater related BMPs are constructed and/or installed in accordance with the approved LID Plan, the City of Los Angeles requires a Stormwater Observation Report to be submitted to the City prior to the issuance of the Certificate of Occupancy. All projects reviewed and approved would require a Stormwater Observation Report and would be prepared, signed, and stamped by the engineer of record responsible for the approved LID Plan. With approval and issuance of a Certificate of Occupancy from LADBS, the Proposed Project would be determined to be in compliance with all applicable codes, ordinances, and other laws.<sup>30</sup>

Full compliance with the LID requirements and implementation of design-related BMPs would ensure that the operation of the Proposed Project would not violate any water quality standards or discharge requirements or otherwise substantially degrade water quality. Therefore, as the Proposed Project would be subject to the LID requirements and compliance procedures, operational water quality impacts would be less than significant with code compliance.

**b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally have a significant impact on groundwater level if it would change potable water levels sufficiently to: (a) reduce the ability of a water utility to use the groundwater basin for public water supplies, conjunctive use purposes, storage of imported water, summer/winter peaking, or respond to

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<sup>28</sup> *City of Los Angeles Ordinance No. 183,833, 2015.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *City of Los Angeles, Planning and Land Development Handbook for Low Impact Development (LID), Part B Planning Activities, 5th Edition, May 9, 2016.*

emergencies and drought; (b) reduce yields of adjacent wells or well fields (public or private); (c) adversely change the rate or direction of flow of groundwater; or (d) result in demonstrable and sustained reduction in groundwater recharge capacity.

As discussed in Question IX (a) the Project Site is 100 percent impervious. As such, 100 percent of the surface water runoff from the Project Site is directed to adjacent storm drains and does not percolate into the groundwater table beneath the Project Site. Groundwater was not encountered during exploration, conducted to a maximum depth of 125 feet below the existing grade. The historically highest groundwater level is at a depth of 110 feet below the ground surface.<sup>31</sup> The Proposed Project would excavate soils beneath the Project Site at approximately 80 feet below grade to allow for the construction of the proposed subterranean parking levels. Because the depth of groundwater is sufficiently lower than the depth of proposed excavation, construction of the Proposed Project would not deplete groundwater supplies or interfere substantially with groundwater recharge. Additionally, adherence to Article 4.4 of the LAMC would ensure that the Proposed Project would not interfere with groundwater recharge. Therefore, the Proposed Project would not deplete groundwater supplies, and impacts to the groundwater table would be less than significant.

**c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally have a significant impact on surface water hydrology if it would result in a permanent, adverse change to the movement of surface water sufficient to produce a substantial change in the current or direction of water flow. The Project Site is located in a highly urbanized area of the City of Los Angeles, and no streams or river courses are located on or within the Project vicinity. The Project Site is 100 percent impervious. Implementation of the Proposed Project would not increase site runoff or result in any changes in the local drainage patterns. Further, the Proposed Project would comply with LAMC Section 64.70, Stormwater Runoff and Urban Pollution Control. Impacts associated with localized drainage and surface water runoff would therefore be considered less than significant.

**d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally have a significant impact on surface water hydrology if it would result in a permanent, adverse change to the movement of surface water sufficient to produce a substantial change in the current or direction of water flow. The Proposed Project would not result in a significant increase in

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<sup>31</sup> *Geocon West, Inc., Geotechnical Investigation, Proposed High-Rise Development "Olympic and Hill" 1000-1034 Hill Street and 220 & 226 West Olympic Boulevard, Los Angeles, California, February 28, 2017. (See Appendix C of this IS/MND).*

site runoff, or any changes in the local drainage patterns. Therefore, the Proposed Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. In addition, the Proposed Project would comply with LAMC Section 64.70, Stormwater Runoff and Urban Pollution Control, and as such, impacts would be less than significant.

**e) Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally have a significant impact on surface water quality if discharges associated with the project would create pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code (CWC) or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or Water Quality Control Plan for the receiving water body. A significant impact may occur if the volume of stormwater runoff from the Project Site were to increase to a level which exceeds the capacity of the storm drain system serving the Project Site. A significant adverse effect would also occur if a project substantially increases the probability that polluted runoff would reach the storm drain system.

Currently, the Project Site is completely developed with impervious surfaces and 100 percent of surface water runoff is directed to adjacent street storm drains. Existing storm drain lines serving the Project Site are located along Hill Street and Olympic Boulevard. Stormwater flows south along Hill Street and onto stormwater inlets on the corner of Hill Street and 11<sup>th</sup> Street. Stormwater along Olympic Boulevard flows eastbound and onto stormwater inlets on the corner of Olympic Boulevard and Broadway.<sup>32</sup> These storm drain lines are owned and maintained by the City of Los Angeles. Pursuant to local practice and City policy, stormwater retention or treatment BMPs would be required as part of the LID requirements. Any pollutants from the parking areas would be subject to the requirements and regulations of the NPDES and applicable LID Ordinance standards and retain or treat the first 3/4 -inch of rainfall in a 24-hour period or the rainfall from an 85<sup>th</sup> percentile 24-hour runoff event (whichever is greater), which would reduce the Proposed Project's impact to the stormwater infrastructure. Additionally, any contaminants gathered during routine cleaning of construction equipment would be disposed of in compliance with applicable stormwater pollution prevention permits. Furthermore, as stated above, implementation of the BMPs identified in the SWPPP and compliance with the NPDES and City discharge requirements would ensure that the construction of the Proposed Project would not violate any water quality standards or discharge requirements, or otherwise substantially degrade water quality.

The Proposed Project would comply with LAMC Chapter VI, Article 4.4 and all applicable laws and regulations pertaining to stormwater runoff and water quality would ensure impacts are less than significant. Therefore, the Proposed Project would not create or contribute to runoff water, which would

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<sup>32</sup> *City of Los Angeles, Bureau of Engineering, Navigate LA, website: <http://navigatela.lacity.org/navigatela/>, March 2017.*

exceed capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Potential impacts to surface water quality would be less than significant.

**f) Would the project otherwise substantially degrade water quality?**

**No Impact.** A significant impact may occur if a project includes potential sources of water pollutants that would have the potential to substantially degrade water quality. The Proposed Project, once operational, would not use hazardous materials other than modest amounts of typical cleaning supplies and solvents used for housekeeping and janitorial purposes would be typically associated with the operation of the Proposed Project and the use of these substances would comply with State Health Codes and Regulations. Construction and operation of the Proposed Project would not have the potential to exacerbate current environmental conditions that would create a significant hazard. Therefore, no impact would occur.

**g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**No Impact.** A significant impact would occur if the Proposed Project were to place housing within a 100-year flood hazard area. A 100-year flood is defined as a flood which results from a severe rainstorm with a probability of occurring approximately once every 100 years. According to the Federal Emergency Management Agency (FEMA), the Project Site is not located in an area designated as a 100-year flood hazard area. The Project Site is in a zone designated as Zone X, which signifies that the area is outside the 0.2% annual chance floodplain.<sup>33</sup> Therefore, the Proposed Project would not place housing within a 100-year flood hazard area, and no impact would occur.

**h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

**No Impact.** A significant impact may occur if the Project was located within a 100-year flood zone, which would impede or redirect flood flows. The Project Site is not in an area designated as a 100-year flood hazard area as mapped by the FEMA's Flood Insurance Rate Map. The Project Site is in a zone designated as Zone X, which signifies that the area is outside the 0.2% annual chance floodplain.<sup>34</sup> The Project Site is located in an urbanized area. As no changes to the local drainage pattern would occur with implementation of the Proposed Project, the Proposed Project would not have the potential to impede or redirect floodwater flows. Therefore, no impact would occur.

**i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

**No Impact.** A significant impact may occur if the Proposed Project exposes people or structures to a

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<sup>33</sup> Federal Emergency Management Agency (FEMA), *Flood Insurance Rate Map, Panel Number 06037C1620F*, September 26, 2008, website: <http://dpw.lacounty.gov/wmd/floodzone/>, accessed March 2017.

<sup>34</sup> *Ibid.*

significant risk of loss or death caused by the failure of a levee or dam, including but not limited to a seismically-induced seiche. Seiches are large waves generated in very large enclosed bodies of water or partially enclosed arms of the sea in response to ground shaking. A review of the City of Los Angeles General Plan Safety Element indicates that the Proposed Project does not lie within an inundation or tsunami hazard area.<sup>35</sup> Thus, the Proposed Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. Therefore, no impact would occur with respect to the failure of a levee or dam.

**j) Would the project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?**

**No Impact.** A significant impact would occur if the Project Site is sufficiently close to the ocean or other water body to be potentially at risk of the effects of seismically-induced tidal phenomena (i.e., seiche and tsunami), or if the Project Site is located adjacent to a hillside area with soil characteristics that would indicate potential susceptibility to mudslides or mudflows. As stated above, seiches are large waves generated in very large enclosed bodies of water or partially enclosed arms of the sea in response to ground shaking. Tsunamis are waves generated in large bodies of water by fault displacement or major ground movement. According to the City of Los Angeles General Plan Safety Element, the Proposed Project does not lie within an inundation or tsunami hazard area.<sup>36</sup> Furthermore, the Project Site and the surrounding area are highly urbanized and relatively flat. The Proposed Project's potential for landsliding is considered to be low due to the lack of an elevation difference across and adjacent to the Project Site. Additionally, the Project Site is not located within a potentially "liquefiable" area and, based on the site-specific liquefaction analysis included in the Geotechnical Investigation, the Project Site is not be prone to liquefaction.<sup>37</sup> Thus, the occurrence of mudflows on the Project Site is considered low, and no impact would occur with respect to slope instability, tsunamis, and seiches.

**Cumulative Impacts**

**Less Than Significant Impact.** Development of the Proposed Project in combination with the related projects would result in the further infilling of uses in a highly developed area within Downtown Los Angeles. As discussed above, the Project Site and the surrounding areas are served by the existing County storm drain system. Runoff from the Project Site and adjacent urban uses is typically directed into the adjacent streets, where it flows to the nearest drainage improvements. It is likely that most, if not all, of the related projects would also drain to the surrounding street system. However, little if any additional cumulative runoff is expected from the Proposed Project and the related project sites, since Downtown Los Angeles is highly developed with impervious surfaces. Under the requirements of the LID Ordinance,

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<sup>35</sup> *City of Los Angeles Department of City Planning, Safety Element of the Los Angeles City General Plan, Exhibit G: Inundation & Tsunami Hazard Areas In the City of Los Angeles, March 1994.*

<sup>36</sup> *Ibid.*

<sup>37</sup> *Geocon West, Inc., Geotechnical Investigation, Proposed High-Rise Development "Olympic and Hill" 1000-1034 Hill Street and 220 & 226 West Olympic Boulevard, Los Angeles, California, February 28, 2017. (See Appendix C of this IS/MND).*

each related project would be required to implement stormwater BMPs to retain or treat the runoff from a storm event producing  $\frac{3}{4}$ -inch of rainfall in a 24-hour period or the rainfall from an 85th percentile 24-hour runoff event, whichever is greater. Mandatory structural BMPs in accordance with the NPDES water quality program will therefore result in a cumulative reduction to surface water runoff, as the development in the surrounding area is limited to infill developments and redevelopment of existing urbanized areas. Therefore, the Proposed Project would not make a cumulatively considerable contribution to impacting the volume or quality of surface water runoff, and cumulative impacts to the existing or planned stormwater drainage systems would be less than significant.

## **X. LAND USE AND PLANNING**

### **a) Would the project physically divide an established community?**

**No Impact.** A significant impact may occur if the project would be sufficiently large enough or otherwise configured in such a way as to create a physical barrier within an established community. According to the *L.A. CEQA Thresholds Guide*, the determination of significance shall be made on a case-by-case basis considering the following factors: (a) the extent of the area that would be impacted, the nature and degree of impacts, and the types of land uses within that area; (b) the extent to which existing neighborhoods, communities, or land uses would be disrupted, divided or isolated, and the duration of the disruptions; and (c) the number, degree, and type of secondary impacts to surrounding land uses that could result from implementation of the Proposed Project.

The Project Site is located in an urbanized area of the Central City Community Plan Area (CPA) and would be consistent with the existing physical arrangement of the properties within the vicinity of the Project Site. The zoning designation for the Project Site is [Q]R5-4D-O (Multiple Dwelling Zone) and the General Plan land use designation for the Project Site is High Density Residential. Zones corresponding to the High Density Residential designation are the R5 zones. The [Q] Condition on the site includes various use limitations, but allows for residential uses that are permitted in the R5 Zone, as well as hotels, motels, and apartment hotels.

As discussed in Section II. Project Description, and shown in Figure II-3 and Figure II-5, the Project Site is surrounded by restaurant/retail, surface parking, office, and mixed-use residential properties. Properties to the north (north of Olympic Boulevard), south (east of Hill Street), and west of the Project Site are all zoned [Q]R5-4D-O with General Plan land use designations of High Density Residential. Properties located to the east of the Project Site (across from the alleyway, Blackstone Court) are generally zoned C2-4D-O-SN with General Plan land use designations of Regional Center Commercial. As such, no separations of uses or disruption of access between land use types would occur as a result of the Proposed Project. Accordingly, implementation of the Proposed Project would not disrupt or divide the physical arrangement of the established community, and no impact would occur.

### **b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

**Less Than Significant Impact.** A significant impact may occur if the Proposed Project is inconsistent with the General Plan or zoning designations applicable to the Project Site, and would cause adverse environmental effects, which the General Plan and zoning designations are created to avoid or mitigate. The Project Site is located within several planning policy areas that have been adopted for the purposes of incentivizing development and/or providing specific development standards that are appropriate for the Project area. Namely, these plans and policy areas include the following: Central City Community Plan area, the City Center Redevelopment Project area, the Greater Downtown Housing Incentive Area, the Central City Parking Exception area, the Downtown Parking District, the Downtown Adaptive Reuse Incentive Area, the Downtown Streetcar Project area, and the Los Angeles State Enterprise Zone. The Project Site is also within a transit priority area pursuant to SB 743 and noted in the City of Los Angeles' Zoning Information File No. 2452.<sup>38</sup> These documents guide development at the Project Site.

## **Regional Plans**

### ***SCAQMD Air Quality Management Plan***

The Proposed Project is located within the South Coast Air Basin (Basin) and, therefore, falls under the jurisdiction of the SCAQMD. In conjunction with SCAG, the SCAQMD is responsible for formulating and implementing air pollution control strategies. The SCAQMD's most recent Air Quality Management Plan (AQMP) was updated in 2017 to establish a comprehensive air pollution control program leading to the attainment of State and federal air quality standards in the Basin, which is a non-attainment area. With approval of the TFAR, the Proposed Project conforms to the zoning and land use designations for the Project Site as identified in the General Plan, and, as such, would not add emissions to the Basin that were not already accounted for in the approved AQMP. Furthermore, as noted in Section III, Air Quality, the Proposed Project would not exceed the daily emission thresholds during the construction or operational phases of the Proposed Project. Therefore, the Proposed Project would be consistent with the AQMP.

### ***SCAG's 2016 RTP/SCS***

The Project Site is located within the six-county region that comprises the SCAG planning area. On April 7, 2016, SCAG adopted the 2016 Regional Transportation Plan/Sustainable Communities Strategy: A Plan for Mobility, Accessibility, Sustainability, and a High Quality of Life (2016 RTP/SCS). The 2016 RTP/SCS includes the long-term vision of how the SCAG region would address regional transportation and land use challenges and opportunities. The Proposed Project would be consistent with the goals and policies set forth in the 2016 RTP/SCS, as the Proposed Project would redevelop a site that is currently developed with surface parking and would include the construction of a high-rise mixed-use development with multi-family residential and neighborhood-serving commercial uses. The Proposed Project would thereby increase the utilization of a property that is easily accessible by mass transit. Consistent with SCAG goals, the Proposed Project would increase residential opportunities within a High Quality Transit

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<sup>38</sup> *City of Los Angeles, Department of City Planning, Zoning Information File, ZI No. 2452, Transit Priority Areas (TPAs) / Exemptions to Aesthetics and Parking within TPAs Pursuant to CEQA, website: <http://zimas.lacity.org/>, accessed March 2017.*

Area (HQTA). Furthermore, the Proposed Project would add up to 700 residential units to the downtown area, generating approximately 1,176 residents.<sup>39</sup> The Proposed Project's estimated population growth would be consistent with SCAG's future growth projections for the City of Los Angeles.

### ***Congestion Management Plan***

The Congestion Management Plan (CMP) for Los Angeles County was developed in accordance with Section 65089 of the California Government Code. The CMP is intended to address vehicular congestion relief by linking land use, transportation and air quality decisions. The Project Traffic Study was prepared in accordance with the County CMP and the City of Los Angeles Department of Transportation (LADOT) Guidelines. Project traffic impacts are analyzed in greater detail in Section XVI, Transportation and Traffic.

### **Local Plans**

#### ***City of Los Angeles General Plan***

The Proposed Project would conform to objectives outlined in the City of Los Angeles General Plan (General Plan). The General Plan is a comprehensive, long-range declaration of purposes, policies and programs for the development of the City. The General Plan is a dynamic document consisting of 11 elements: Framework Element, Air Quality Element, Conservation Element, Housing Element, Noise Element, Open Space Element, Service Systems Element / Public Recreation Plan, Safety Element, Mobility Element, a Plan for a Healthy Los Angeles, and the Land Use Element. The Land Use Element is comprised of 35 community plans.

The elements that would be most applicable to the Proposed Project are the Housing Element, the Mobility Plan, and the Land Use Element. As shown in Table III-8, the Proposed Project would promote the goals of the Housing Element and the Mobility Plan. Consistency with the Land Use Element/Central City Community Plan is further analyzed in Table III-8. As shown in Table III-8, the Proposed Project would promote the goals of the Housing Element and the Mobility Plan. The Proposed Project has been designed to comply with all applicable General Plan and zoning designations.

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<sup>39</sup> See Checklist Question XIII a) Population and Housing.

**Table III-8  
City of Los Angeles General Plan Consistency Analysis**

City of Los Angeles General Plan Goals	Project Consistency Analysis
<b><i>Housing Element Goals</i></b>	
<p>a) A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.</p>	<p><b>Consistent.</b> The Proposed Project would increase the housing stock in Downtown Los Angeles by providing safe, attractive, and centrally located studios, one-bedroom, two-bedroom, and penthouse residential dwelling units. The proposed residential units would be available to all persons without discrimination. Thus, the Proposed Project is contributing to the range of housing choices available in Downtown Los Angeles and is therefore consistent with this goal.</p>
<p>b) A City in which housing helps to create safe, livable and sustainable neighborhoods.</p>	<p><b>Consistent.</b> The Proposed Project would redevelop a site that is currently occupied by a surface parking lot. The Proposed Project would be attractively designed and landscaped in accordance with the design guidelines of the Downtown Design Guide. Compliance with regulatory compliance measures (relating to aesthetics and discussed in Section I, Aesthetics) would further ensure that the building maintains a safe, clean, and attractive environment during the Project’s construction and operation. As such, the Proposed Project would prevent the spread of blight and deterioration by redeveloping an underutilized site. The Proposed Project is therefore consistent with this goal.</p>
<p>c) A City where there are housing opportunities for all without discrimination.</p>	<p><b>Consistent.</b> The Proposed Project would provide a variety of dwelling units of different sizes and configurations that would be available at market rate. The Proposed Project is increasing the housing choices available in Downtown Los Angeles. The Proposed Project’s housing opportunities would be available to all persons, without discrimination. Therefore, the Proposed Project would be consistent with this goal.</p>
<b><i>Mobility Plan Key Goals</i></b>	
<p>(1) Safety First: Crashes, speed, protection, security, safety education, and enforcement.</p>	<p><b>Consistent.</b> The Proposed Project would not include unusual or hazardous design features. The Project Site is generally pedestrian-oriented. Primary vehicular access for residential and commercial uses would be provided via full-access driveways along Hill Street and the adjacent alleyway, which would provide a connection to the subterranean garage and parking podium. The Proposed Project does not include any hazardous design features, which could impede emergency access. The Proposed Project would be subject to the site plan review requirements of the LAFD and the LAPD to ensure that all access roads, driveways and parking areas would remain accessible to emergency service vehicles and to ensure pedestrian safety. Therefore, the Proposed Project would not substantially increase hazards due to design features, or incompatible uses, and would not hinder this goal.</p>

<p><b>(2)</b> World Class Infrastructure: Design, Complete Streets Network (walking, bicycling, transit, vehicles, goods movement), Bridges, Highways, Smart Investments.</p>	<p><b>Consistent.</b> This goal is directed toward City goals and is not specifically applicable to the Proposed Project. Nonetheless, the Project Site’s location near mass transit, walking distance to services, retail stores, and employment opportunities, and the availability of bike parking located on the Project Site promotes a variety of transportation options. Thus, the Proposed Project would promote this goal.</p>
<p><b>(3)</b> Access for All Angelenos: Affordability, vulnerable users, land use, operations, reliability, demand management, community connections.</p>	<p><b>Consistent.</b> The Project Site is located in a highly urbanized area of Downtown Los Angeles within a TPA. The Proposed Project would develop new residential and commercial uses in walking distance to numerous services, retail, and employment opportunities. Additionally, the Project Site is located within ½ mile of numerous bus routes with peak commute service intervals of 15 minutes or less. The location of the Proposed Project encourages a variety of transportation options and access and is therefore consistent with this goal.</p>
<p><b>(4)</b> Clean Environments and Healthy Communities Environment, public health, clean air, clean fuels and fleets.</p>	<p><b>Consistent.</b> The Proposed Project is an infill development within a TPA and is within a major employment center. The location of the Proposed Project promotes the use of a variety of transportation options, which includes walking, biking and the use of public transportation. As discussed further in Sections III. Air Quality and VII. Greenhouse Gas Emissions, operational emissions and greenhouse gas emissions generated by the Proposed Project’s construction and operational activities would not exceed the regional thresholds of significance set by the SCAQMD and therefore, the Proposed Project would be consistent with this goal.</p>
<p><i>Sources: City of Los Angeles General Plan Elements, Housing Element 2013-2021, Chapter 6, Housing Goals, Objectives, Policies and Programs; and City of Los Angeles General Plan Elements, Mobility Plan 2035. Parker Environmental Consultants, 2017.</i></p>	

**Mobility Plan 2035**

The Mobility Plan 2035 (“Mobility Plan”) of the City of Los Angeles General Plan, amendment adopted January 20, 2016, is designed to provide a policy foundation for the transportation system within the City of Los Angeles. There are five goals of the Mobility Plan that define the City’s high-level mobility priorities and include: safety first; world class infrastructure; access for all Angelenos; collaboration, communication and informed choices; and clean environments and healthy communities. The Mobility Plan contains several objectives pertinent to the Modified Project, which are identified as follows:

- Increase the number of adults and children who receive in-person active transportation safety education, in areas with the highest rates of collisions, by 10% annually;
- Ensure that 80% of street segments do not exceed targeted operating speeds by 2035;

- Ensure that 90% of households have access within one mile to the Transit Enhanced Network by 2035;
- Ensure that 90% of all households have access within one-half mile to high quality bicycling facilities by 2035;
- Increase the combined mode split of persons who travel by walking, bicycling or transit to 50% by 2035.

The Mobility Plan 2035 identifies corridors proposed to receive improved bicycle, pedestrian and vehicle infrastructure improvements. Tier 1 Protected Bicycle Lanes are bicycle facilities that are separated from vehicular traffic. Tier 2 and Tier 3 Bicycle Lanes are facilities on roadways with striped separation. Tier 2 Bicycle Lanes are those more likely to be built by 2035. The Mobility Plan 2035 identifies Hill Street and Hope Street as part of the Neighborhood Enhanced Network. Figueroa Street, Hope Street, Grand Avenue, Olive Street, and Main Street are part of the Tier 1 Bike Lane Network.

The Neighborhood Enhanced Network is the network of locally-serving streets planned to contain traffic calming measures that close the gaps between streets with bicycle facilities. Several streets in the study area are included within the planned Neighborhood Enhanced Network, including Hope Street, Hill Street, and 11<sup>th</sup> Street. The study area generally has a mature network of pedestrian facilities including sidewalks, crosswalks and pedestrian safety features. Approximately 8- to 18-foot sidewalks are provided throughout the study area. With respect to the Mobility Plan's stated objectives, the Proposed Project would increase households within one mile to the Transit Enhanced Network, provide housing within one-half mile to high quality bicycling facilities, and increase the combined mode split of persons who travel by walking, bicycling or transit. As such, the Proposed Project would be consistent with the Mobility Plan.

### ***General Plan Framework Element***

The General Plan's Framework Element provides citywide guidelines and a foundation upon which Community Plans and other General Plan Elements can base their more specific goals, objectives, and policies. The General Plan's Framework Element was adopted on December 11, 1996 and re-adopted on August 8, 2001. The Framework Element and the City's community plans discuss population, housing and employment to the year 2010. The Framework Element identifies a projected population of 4.3 million people living in 1,566,108 housing units. The Citywide General Plan Framework and the Central City Community Plan provide growth projections and CPA capacity, respectively, for the year 2010. The General Plan Framework Element provides a 2010 projection of 27,029 persons, 16,457 households, and 61,500 additional jobs. The Central City Community Plan anticipated a population and dwelling unit capacity of 27,212 persons and 14,398 dwelling units, respectively. The Central City Community Plan recognizes that the Community Plan Area (CPA) may grow that population, jobs, and housing could grow more quickly, or slowly, than anticipated depending on economic trends.

The Proposed Project is in substantial conformity with the purposes, intent and provisions of the General Plan Framework Element, and the applicable Community Plan by providing a smart growth oriented,

dense urban project where such growth is best accommodated based on its proximity to mass transit, which is discussed in more detail in Table III-9. below. More specifically, the Project is consistent with the Los Angeles General Plan Land Use Element, which consists of the 35 Community Plan Area plans, of which the property is in the City Center Community Plan. Consistency with the Community Plan is demonstrated below.

**Table III-9  
Consistency Analysis with the Applicable Goals/Policies of the Framework Element**

Goals and Policies	Consistency Assessment
<p><b>Goal 3A:</b> A physically balanced distribution of land uses that contributes towards and facilitates the City’s long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.</p>	<p>The Proposed Project would include a mixed-use of multi-family residential and ground-floor commercial uses that would front Hill Street and Olympic Boulevard. The Proposed Project would provide new opportunities for new businesses or the expansion or relocation of existing businesses; thus, increasing business opportunities Downtown. Additionally, the Proposed Project would foster new business and employment opportunities and potential customers, which helps improve the competitiveness of the Downtown commercial area. Thus, the Proposed Project would support this objective.</p> <p>Further, Compliance with regulatory compliance measures would ensure that the building maintains a safe, clean, attractive and lively environment during the Project’s construction and operation.</p>
<p><b>Objective 3.1:</b> Accommodate a diversity of uses that support the needs of the City’s existing and future residents, businesses, and visitors.</p>	<p>As discussed above, the Proposed Project would include a variety of uses including multi-family residential and ground-floor commercial which would provide new opportunities for new businesses or the expansion or relocation of existing businesses; thus, increasing business opportunities and economy of Downtown.</p>
<p><b>Policy 3.1.2:</b> Allow for the provision of sufficient public infrastructure and services to support the projected needs of the City’s population and businesses within the patterns of use established in the community plans as guided by the Framework Citywide Long-Range Land Use Diagram.</p>	<p>The Proposed Project would provide ground-floor commercial space which would include restaurant and retail space that would serve the neighborhood and community. The Proposed Project would provide new opportunities for new businesses or the expansion or relocation of existing businesses; thus, increasing business opportunities Downtown.</p>
<p><b>Objective 3.2:</b> Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.</p>	<p>The Project Site is located in a Transit Priority Area as defined by CEQA. Additionally, the Proposed Project would develop new residential and commercial uses in walking distance to numerous services, retail, and employment opportunities. Additionally, the Project Site is located within ½ mile of two Metro stations and numerous bus routes with peak commute service intervals of 15 minutes or less. The location of the Proposed Project encourages a variety of transportation options, such as walking and biking. Thus, this would reduce vehicles-per-miles traveled, promote alternatives to driving, and aim to improve air quality.</p>
<p><b>Policy 3.2.2:</b> Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public</p>	<p>The Proposed Project includes the development of a mixed-used building consisting of multi-family residential units and commercial space (consisting of restaurant and retail uses). The Proposed Project incorporates aspects of a compact development by providing the proposed development on a previously developed surface parking lot. The Proposed Project would provide ground-floor commercial</p>

**Table III-9  
Consistency Analysis with the Applicable Goals/Policies of the Framework Element**

<b>Goals and Policies</b>	<b>Consistency Assessment</b>
services and various densities of residential development within neighborhoods at appropriate locations.	space which would include restaurant and retail space that would serve the neighborhood and community.
<b>Policy 3.2.3:</b> Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use appropriate locations.	<p>The Proposed Project would encourage improved access and mobility by providing both residential and commercial uses on a single site. The on-site commercial uses would provide employment and patronage opportunities within walking distance of on-site residents and the nearby multi-family residential developments.</p> <p>In addition, the Project Site is located within ½ mile of two Metro stations and numerous bus routes with peak commute service intervals of 15 minutes or less. The location of the Proposed Project promotes the use of a variety of transportation options, which includes walking, biking, and the use of public transportation.</p>
<b>Objective 3.3:</b> Accommodate projected population and employment growth within the City and each community plan area and plan for the provision of adequate supporting transportation and utility infrastructure and public services.	
<b>Objective 3.4:</b> Encourage new multi-family residential, retail commercial, and office development in the City’s neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.	As stated above, the Proposed Project includes the development of a mixed-use project, which would provide residents in close proximity to employment and patronage opportunities. Further, the Proposed Project is within walking distance of services, retail stores, and employment opportunities in the Downtown Los Angeles area. The commercial uses on-site would further support the pedestrian activity along Hill Street and Olympic Boulevard by providing ground-floor commercial uses that would front these major commercial corridors.
<b>Policy 3.4.1:</b> Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, and (b) in proximity to rail and bus transit stations and corridors, and (c) along the City’s major boulevard, referred to as districts, centers, and mixed-use boulevard, in accordance with the Framework Long-Range Land Use Diagram.	As stated above, the Proposed Project includes the development of a mixed-use project, which would provide residents in close proximity to employment and patronage opportunities. Further, the Proposed Project is within walking distance of services, retail stores, and employment opportunities in the Downtown Los Angeles area. The commercial uses on-site would further support the pedestrian activity along Hill Street and Olympic Boulevard by providing ground-floor commercial uses that would front these major commercial corridors, which is characterized by a mix of office, entertainment, retail, and residential uses.
<b>Goal 3C:</b> Multi-family neighborhoods that enhance the quality of life for the City’s existing and future residents.	The Proposed Project would include multi-family residential units that would be available at market rate. Thus, the Proposed Project would be consistent with this goal.
<b>Policy 3.7.4:</b> Improve the quality of new multi-family dwelling units based on the Standards in Chapter 5 Urban Form and Neighborhood Design Chapter of this Element.	The Proposed Project would redevelop a site that is currently occupied by a surface parking lot. The Proposed Project would be attractively designed and landscaped in accordance with the design guidelines of the Downtown Design Guide. Compliance with regulatory compliance measures (relating to aesthetics and discussed in Section I, Aesthetics) would further ensure that the building maintains a safe, clean, and attractive environment during the

**Table III-9  
Consistency Analysis with the Applicable Goals/Policies of the Framework Element**

Goals and Policies	Consistency Assessment
<p><b>Goal 3D:</b> Pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles’ neighborhoods.</p>	<p>Project’s construction and operation.  The Proposed Project would promote a pedestrian-oriented environment by providing ground-floor commercial space that would front Hill Street and Olympic Boulevard. The building’s design and ground-floor restaurant/retail would enhance pedestrian activity in the area, especially within the Downtown area. Additionally, the new residents would provide new foot traffic for surrounding business, conventions, trade shows, and tourism. Further, the Project’s commercial uses would support visitors to Downtown.</p>
<p><b>Policy 3.8.4:</b> Enhance pedestrian activity by the design and siting of structures in accordance with Chapter 5 Urban Form and Neighborhood Design policies of this Element and Pedestrian-Oriented District Policies.</p>	<p>As discussed above, the Proposed Project would promote a pedestrian-oriented environment by providing ground-floor commercial space that would front Hill Street and Olympic Boulevard. The Proposed Project would be attractively designed and landscaped in accordance with the design guidelines of the Downtown Design Guide and under provision of City Staff.</p>
<p><b>Goal 3F:</b> Mixed-use centers that provide jobs, entertainment, culture, and serve the region.</p>	<p>The Proposed Project would provide commercial uses, including restaurant and retail spaces that would provide future and existing residents with job opportunities, additional entertainment, and culture.</p>
<p><b>Objective 3.10:</b> Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.</p>	<p>The Proposed Project would provide commercial uses, including restaurant and retail spaces that would provide future and existing residents with job opportunities, additional entertainment, and culture. Additionally, the new residents would provide new foot traffic for surrounding business, conventions, trade shows, and tourism. Further, the Project’s commercial uses would support visitors to Downtown. The Proposed Project would be compatible with the character of the surrounding districts and foster new business and employment opportunities and potential customers, which helps improve the competitiveness of the Downtown commercial area.</p>
<p><b>Goal 4A:</b> An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.</p>	<p>The Proposed Project’s dwelling units would be of different sizes and configurations (studios, one-bedroom, two-bedroom, and penthouse units) and would be available at range of market rates. The Proposed Project would increase the housing choices available in Downtown Los Angeles. The additional units will increase supply and help reduce upward pressure on housing costs.</p>
<p><b>Objective 4.2:</b> Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.</p>	<p>The Proposed Project would provide multi-family residential units in a Transit Priority Area and in a highly urbanized area of Downtown Los Angeles. The Proposed Project would be within walking distance to numerous services, retail, and employment opportunities. Additionally, the Project Site is in close proximity to many public transportation options, including bus and subway lines. Additionally, the Proposed Project would not encroach on any existing lower-density residential neighborhoods.</p>
<p><b>Objective 5.2:</b> Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.</p>	<p>The Proposed Project’s mixed-use design and location encourages the use of alternative transportation and walking and bicycling opportunities. Additionally, the Project Site is located within ½ mile of two Metro stations and numerous bus routes with peak commute service intervals of 15 minutes or less. The Project Site is located in</p>

**Table III-9  
Consistency Analysis with the Applicable Goals/Policies of the Framework Element**

Goals and Policies	Consistency Assessment
<p><b>Objective 5.8:</b> Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers, and pedestrian-oriented subareas within regional centers, so that these districts and centers can serve as a focus of activity for the surrounding community and a focus for investment in the community.</p>	<p>the highly urbanized Downtown Los Angeles area and is surrounded by a mix of retail, commercial, and entertainment services.</p> <p>As discussed above, the Proposed Project is an infill development in a Transit Priority Area (defined by CEQA) and is within a major employment center. The Proposed Project would place residential units and ground-floor commercial space in a transit-rich and pedestrian-oriented area. Additionally, the Project Site is located within numerous bus routes with peak commute service intervals of 15 minutes or less. The Project Site’s location near mass transit and in walking distance to services, retail stores, and employment opportunities promotes a pedestrian-friendly environment. The location of the Proposed Project promotes the use of a variety of transportation options, which includes walking, biking, and the use of public transportation.</p>
<p><b>Goal 7G:</b> A range of housing opportunities is sufficient, in terms of location, concentration, type, size, price/rent range, access to local services and access to transportation, to accommodate future population growth and to enable a reasonable portion of the City’s work force to both live and work in the City.</p>	<p>The Proposed Project’s dwelling units would be of different sizes and configurations (studios, one-bedroom, two-bedroom, and penthouse units) and would be available at range of market rates. The Proposed Project would increase the housing choices available in Downtown Los Angeles. The additional units will increase supply and help reduce upward pressure on housing costs. Additionally, the Proposed Project’s mixed-use design would allow future residents the opportunity to work on-site. Further, the Proposed Project’s close proximity to public transportation would allow residents to live and work in the City.</p>
<p><i>Source: City of Los Angeles, General Plan, Framework Element, December 11, 1996.</i></p>	

***Central City Community Plan***

The Project Site is located within the South Park neighborhood sub-area of the Central City Community Plan Area (CPA). Therefore, all development activity on-site is subject to the land use policies of the Central City Community Plan (Community Plan). The Community Plan goals and objectives include providing organized growth, a Central City identity, and a full range of housing choices for employees and residents in the downtown area. As described in the Community Plan, the South Park district contains a mix of residential, medical, commercial, and retail uses. Warehouse space in one-story unreinforced masonry buildings is scattered throughout the district. South Park is recognized to be a mixed-use community with a significant concentration of housing.<sup>40</sup>

The Proposed Project would revitalize the area with the development of a 60-story mixed-use residential and commercial building. The Proposed Project would provide a maximum of 700 dwelling units (consisting of 140 studios, 352 one-bedroom plus den units, 177 two-bedroom units, 26 two-bedroom plus den units, 4 sub-penthouse units, and 1 penthouse unit) and 15,000 square feet of ground-floor

<sup>40</sup> *City of Los Angeles Department of City Planning, Central City Community Plan, 2003.*

commercial space with a total of 1,075 automobile parking spaces and 786 bicycle spaces. Of the proposed vehicle parking, 220 spaces would be provided for the adjacent office building to the immediate east under a contract parking agreement. The Proposed Project would provide a variety of on-site amenities, which would be located throughout the ground-floor lobby area, Level 5 landscaped deck and amenity area, and in private residential balconies. A detailed analysis of the consistency of the Proposed Project with the applicable objectives and policies of the Central City Community Plan for Residential and Commercial Land Uses is presented in Table III-10, below.

**Table III-10  
Project Consistency with Applicable Objectives and Policies of the  
Central City Community Plan Land Use Element for Residential and Commercial Land Uses**

Objective / Policy	Project Consistency Analysis
<i>Residential</i>	
<b>Objective 1-1:</b> To promote development of residential units in South Park.	<b>Consistent.</b> The Proposed Project would include multi-family dwelling units in the South Park district of Downtown, Los Angeles. Thus, the Proposed Project supports this objective.
<b>Policy 1-1.1:</b> Maintain zoning standards that clearly promote housing and limit ancillary commercial to that which meets the needs of neighborhood residents or is compatible with residential uses.	<b>Consistent.</b> The Proposed Project aims to promote residential land uses in South Park. The Project Site is zoned [Q]R5-4D-O with a land use designation of High Density Residential. The Project would maintain and be developed in accordance with the current zoning and land use designation. The Proposed Project would add multiple family residential units and would include limited ancillary neighborhood commercial uses. Thus, the Proposed Project would be consistent with this policy.
<b>Objective 1-2:</b> To increase the range of housing choices available to Downtown employees and residents.	<b>Consistent.</b> The Proposed Project would increase the housing stock in Downtown Los Angeles with safe, attractive, and centrally located studios, one-bedroom, two-bedroom, and penthouse apartments. The units would be available to existing Downtown employees and residents. Thus, the Proposed Project would contribute to the range of housing choices available to Downtown employees and residents.
<b>Policy 1-2.1:</b> Promote the development of neighborhood work/live housing.	<b>Consistent.</b> The Proposed Project would include multi-family dwelling units and ground floor restaurant/retail. The proposed ground-floor retail would generate the need for new employees. The proposed residential units are not live/work units; however, the Project Site is located near numerous employment opportunities in the Downtown Los Angeles area. Therefore, the Proposed Project would locate residential dwelling units near a major employment center allowing the future residents to live and work in the neighborhood. Therefore, the Proposed Project does not hinder the intent of this policy.
<b>Objective 1-3:</b> To foster residential development which can accommodate a full range of incomes.	<b>Consistent.</b> The Proposed Project’s dwelling units would be of different sizes and configurations (studios, one-bedroom, two-bedroom, and penthouse units) and would be available at range of market rates. The Proposed Project would increase the housing choices available in Downtown Los Angeles. The additional units will increase supply and help reduce upward pressure on housing costs. n. Thus, the

	Proposed Project supports this objective.
<b>Policy 1-3.1:</b> Encourage a cluster neighborhood design comprised of housing and services.	<b>Consistent.</b> The Project Site is located in a Transit Priority Area and in a highly urbanized area of Downtown Los Angeles. The Proposed Project would be within walking distance to numerous services, retail, and employment opportunities. Additionally, the Project Site is in close proximity to many public transportation options, including bus and subway lines. Thus, the Proposed Project supports the cluster neighborhood design concept of including residents near neighborhood facilities.
<b>Commercial</b>	
<b>Objective 2-1:</b> To improve Central City’s competitiveness as a location for offices, business, retail, and industry.	<b>Consistent.</b> The Proposed Project includes ground-floor restaurant/retail uses that would front Hill Street and Olympic Boulevard. The Proposed Project would provide new opportunities for new businesses or the expansion or relocation of existing businesses; thus, increasing business opportunities Downtown. Additionally, the Project Site is within walking distance of the Broadway Theater and Commercial District and the Spring Street Financial District. Although the Project Site is not located within these districts, the Proposed Project would be compatible with the character of these districts and foster new business and employment opportunities and potential customers, which helps improve the competitiveness of the Downtown commercial area. Thus, the Proposed Project would support this objective.
<b>Policy 2-1.2:</b> To maintain a safe, clean, attractive, and lively environment.	<b>Consistent.</b> Compliance with regulatory compliance measures would ensure that the building maintains a safe, clean, attractive and lively environment during the Project’s construction and operation. Thus, the Proposed Project would be consistent with this policy.
<b>Objective 2-2:</b> To retain the existing retail base in Central City.	<b>Consistent.</b> The Project Site is currently developed with a surface parking lot. Therefore, no retail uses currently exist on site. The Proposed Project would develop ground-floor restaurant/retail fronting Hill Street and Olympic Boulevard, which would provide new opportunities for new businesses or the expansion or relocation of existing businesses. Additionally, the Proposed Project would not adversely impact other retail stores in the vicinity of the Project Site. Instead, new residents would likely be new customers that would support nearby local businesses. Thus, the Proposed Project would support this objective.
<b>Policy 2-2.1:</b> Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force and businesses.	<b>Consistent.</b> The Proposed Project includes ground-floor commercial space fronting Hill Street and Olympic Boulevard. As such, the Proposed Project provides new space and opportunities that can attract businesses Downtown. Therefore, the Proposed Project would be consistent with this policy.
<b>Policy 2-2.2:</b> To encourage pedestrian-oriented and visitor serving uses during the evening hours especially along Grand Avenue cultural corridor between the Hollywood Freeway (US 101) and Fifth Street, the Figueroa Street corridor between the Santa Monica Freeway (I-10) and Fifth Street and Broadway between Third Street and Ninth Street.	<b>Consistent.</b> The Proposed Project would introduce new permanent residents and provide ground-floor restaurant/retail. The Project Site is in walking distance from many services, employment opportunities, and retail spaces (including the Broadway Theater and Commercial District and the Spring Street Financial District). Thus, the Proposed Project would encourage a pedestrian-oriented development that would support activities and uses into the evening hour.

	Although the Proposed Project is not located on Grand Avenue, Figueroa Street, Fifth Street or Broadway, the Proposed Project would support the intent of this policy.
<b>Policy 2-2.3:</b> Support the growth of neighborhoods with small, local retail services.	<b>Consistent.</b> The Proposed Project would include neighborhood serving ground-floor restaurant/retail spaces fronting Hill Street and Olympic Boulevard. Thus, the Proposed Project would add local retail services to support and the growth of the South Park neighborhood. Therefore, the Proposed Project would be consistent with this policy.
<b>Objective 2-3:</b> To promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows, and tourism.	<b>Consistent.</b> The Proposed Project would be consistent with the surrounding neighborhood by adding a mixed-use building to an area that is characterized by mixed-use development. The building’s design and ground-floor restaurant/retail would enhance pedestrian activity in the area, especially within the Downtown area. Additionally, the new residents would provide new foot traffic for surrounding business, conventions, trade shows, and tourism. Further, the Project’s commercial uses would support visitors to Downtown. Thus, the Proposed Project would support this objective.
<b>Objective 2-4:</b> To encourage a mix of uses which creates an active, 24-hour downtown environment for current residents and which would also foster increased tourism.	<b>Consistent.</b> The proposed mixed-use development would contribute and support this objective by adding new residents and ground-floor restaurant/retail spaces. The Proposed Project would be designed to enhance pedestrian activity with the retail stores’ main entrances fronting the public right-of-way and providing night-time lighting for enhanced security. These features, among others, would contribute to an active, 24-hour downtown environment. Thus, the Proposed Project would be consistent with this objective.
<b>Policy 2-4.1:</b> Promote nightlife activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity.	<b>Consistent.</b> The Proposed Project includes ground-floor restaurant and retail spaces fronting Hill Street and Olympic Boulevard. The restaurant and retail uses would support nightlife activities. The Proposed Project would be designed to enhance pedestrian activity with the restaurants’ and retail stores’ main entrances fronting the public right-of-way and providing night-time lighting for enhanced security. The Proposed Project would reinforce and add to the attraction of these pockets of activity by adding new residents to the area. Thus, the Proposed Project is consistent with this policy.
<b>Objective 2-5:</b> To increase specialty and ethnic markets in order to foster a diverse range of retail and commercial uses in Central City.	<b>Consistent.</b> The Proposed Project provides new ground-floor restaurant /retail space, which would be available to specialty and ethnic stores. Thus, the Proposed Project would support this objective.
<i>Source: City of Los Angeles, Central City Community Plan, Land Use and Planning Element. Parker Environmental Consultants, 2017.</i>	

The Central City Community Plan addresses planning and land use issues and opportunities in various sectors, such as residential, industrial, commercial, transportation, among others. The Central City Community Plan projected a population of 27,029 persons and 16,457 dwelling units by 2010 within the Community Plan area.<sup>41</sup> The 2010 United States Census shows that the Central City Community Plan area

<sup>41</sup> City of Los Angeles Department of City Planning, Central City Community Plan, pg. II-3.

had an actual population of 37,675 persons and 23,054 dwelling units in 2010.<sup>42</sup> The 2010 Census data shows that the actual population and housing units in the Central City Community Plan area in 2010 was higher than what was projected. Nevertheless, as discussed in Section XIII. Population and Housing, the Proposed Project would be consistent with SCAG's population and housing growth projections.

The Proposed Project would be consistent with the goals, objectives, and policies set forth in the Central City Community Plan. Therefore, the Proposed Project is consistent with the applicable land use and planning policies in the Central City Community Plan.

### ***Redevelopment Plan for the City Center Redevelopment Project***

Development on the Project Site is further defined by the Redevelopment Plan for the City Center Redevelopment Project ("Redevelopment Plan"). Due to State legislation, the CRA/LA has since been disbanded and there is a successor agency to the Community Redevelopment Agency of the City of Los Angeles (CRA/LA). Development in the Redevelopment Project Area is governed by the Redevelopment Plan that was adopted in May 2002 by the CRA/LA and remains effective until May 2032. Specific design considerations from the Redevelopment Plan include: height, development densities, building setbacks, signage, open space and privacy, utilities, parking, and loading facilities. The Redevelopment Plan identifies overall objectives and development standards to guide the development, redevelopment, and rehabilitation of properties within the City Center area. The City Center area encompasses much of Historic Downtown, City Markets, and South Park. The Proposed Project is located within the Historic Downtown neighborhood of the City Center Redevelopment Project area, which was established by the CRA/LA. The Redevelopment Plan's objective for the Historic Downtown Development area is to achieve a mixed-use residential, commercial, office, cultural, recreation, entertainment and institutional area primarily through the adaptive re-use of the large stock of structures of architectural and historic merit.<sup>43</sup> Specifically, Section 508.1 calls for the following uses on private land: "Regional Center Commerce and Parking, including but not limited to service establishments, retail stores ... high and medium density housing where compatible with existing and proposed development." The Proposed Project is compatible with other existing and approved high-density housing and mixed-use projects located within the downtown area. Table III-11, below, provides a detailed analysis of the consistency of the Proposed Project with the applicable objectives of the Redevelopment Plan. If and until such time as the Successor Agency to the CRA/LA transfers land use functions to the City, the Successor Agency to the CRA/LA has jurisdiction over the implementation of the Redevelopment Plan.

The Project is also subject to Section 501 of the Redevelopment Plan (General Controls and Limitations), which requires that all structures comply with Federal, State, and Los Angeles City laws in effect, including the City building codes and ordinances. (Redevelopment Plan, p 16.) The Project's consistency with the objectives in the Redevelopment Plan is further analyzed in Table III-11, below.

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<sup>42</sup> *City of Los Angeles Department of City Planning, 2015 Growth and Infrastructure Report, November 1, 2016.*

<sup>43</sup> *City of Los Angeles, Community Redevelopment Agency, Redevelopment Plan for the City Center Redevelopment Project, 2002.*

**Table III-11  
Project Consistency with Applicable Objectives of the Redevelopment Plan**

Objective	Project Consistency Analysis
<ul style="list-style-type: none"> <li>To eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the Project Area in accordance with this Plan.</li> </ul>	<p><b>Consistent.</b> The Proposed Project would redevelop an underutilized site that is currently used for surface parking. The Proposed Project would be attractively designed and landscaped in accordance with the design guidelines of the Downtown Design Guide. Compliance with all applicable building code requirements would further ensure that the building maintains a safe, clean, and attractive environment during the Project’s construction and operation. As such, the Proposed Project would prevent the spread of blight and deterioration by redeveloping an underutilized site in accordance with the Plan. The Proposed Project would be consistent with this objective.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Consistent.</b> The Proposed Project would be designed and developed with the guidance of City Planning Staff and the applicable plans. Therefore, the Proposed Project would further the goals of the Los Angeles General Plan, Framework Element, the Central City Community Plan, and the Downtown Strategic Plan. Thus, the Proposed Project would be consistent with this objective.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Consistent.</b> The Proposed Project would replace an underutilized parking lot and introduce new multi-family dwelling units in the area, which would accommodate an increase of population and housing. Nevertheless, the Proposed Project housing and population generation is consistent with SCAG’s growth projections for the City of Los Angeles Subarea. Additionally, the Proposed Project would be consistent with the City’s goals of increasing housing in transit-rich areas near services, retail, and employment opportunities to reduce vehicles -miles traveled; increasing safe and healthy housing options downtown; and increasing the diversity of the housing stock. Therefore, the Proposed Project is consistent with Central City development goals and growth projections and would not hinder the implementation of this objective.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Consistent.</b> The Proposed Project would provide ground-floor restaurant/retail fronting Hill Street and Olympic Boulevard, which would increase employment opportunities within Downtown and contribute to the Project Area’s tax base. Thus, the Proposed Project would be consistent with this objective.</p>
<ul style="list-style-type: none"> <li>To guide growth and development, reinforce viable functions, and facilitate the redevelopment, revitalization or rehabilitation of deteriorated and underutilized areas.</li> </ul>	<p><b>Consistent.</b> The Proposed Project would be consistent with this objective since it proposes the development of an underutilized site that is currently used as a surface parking lot. The Proposed Project would be designed with the guidance of applicable plans and design guidelines. Therefore, the Proposed Project would be consistent with this objective.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Consistent.</b> The Proposed Project would provide new residential units and ground-floor restaurant/retail spaces. Additionally, the Proposed Project would be designed to promote pedestrian activity with the restaurants’ and retail stores’ main entrances fronting the public right-of-way and</p>

	<p>providing night-time lighting for enhanced security. The Proposed Project’s location near mass transit and within walking distance to services, retail stores, and employment opportunities promotes a pedestrian-friendly environment. Thus, the Proposed Project would be consistent with this objective.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Consistent.</b> Development of the Project Site is guided by the Redevelopment Plan, Central City Community Plan and the Downtown Design Guide. The Proposed Project would be consistent with this objective and preserve and contribute to the area’s symbol of pride and identity by introducing an iconic residential and commercial development that would be consistent with the Downtown Design Guidelines. Therefore, the Proposed Project furthers the goals of this objective.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Consistent.</b> This objective is directed towards City goals and does not specifically pertain to the Proposed Project. The Proposed Project would place new housing and retail space in a highly walkable and transit-rich area. As such, residents and employees of the Proposed Project can easily move around the Central City area and greater Los Angeles region. Therefore, the Proposed Project furthers the goals of this objective.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Consistent.</b> The Downtown Design Guide directs the design of the Proposed Project. As such, the Proposed Project would be consistent with the design and development goals of the Central City Community Plan area. As such, the Proposed Project would be attractively designed and landscaped. The Proposed Project would provide private and common open space to its residents, which would reduce the Proposed Project’s demand on local parks and open space. By providing on-site open space and the payment of the park fee, the Proposed Project’s impacts on local parks would be less than significant. With development of the Project and payment of the fee, the Proposed Project would be consistent with this objective.</p>
<ul style="list-style-type: none"> <li>To develop and implement public art into the urban fabric, integrating art into both public and private developments.</li> </ul>	<p><b>Consistent.</b> The commercial component of the Proposed Project is subject to LAMC Section 91.107.4.6, which imposes an arts development fee for new development. The fees paid pursuant to this Ordinance will be used to provide adequate cultural and artistic facilities, services and community amenities for the project. Thus, the Proposed Project would be consistent with this objective.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Consistent.</b> The Project Site is currently used as a surface parking lot, and no significant landmarks or structures exist on-site. As further discussed in the Section V, Cultural Resources, the Proposed Project would have a less than significant impact on identified surrounding historic resources and would not negatively affect the physical integrity of any historical resource. All of the identified historical resources in the vicinity of the Project Site would remain listed or eligible for listing under the relevant landmark program. The ability of these historical resources to convey their significance would not be materially impaired by the Proposed Project. As such, the Proposed Project would not destroy or demolish key landmarks and historical or unique features of the City, which would of hindered the goals of this objective.</p>

<ul style="list-style-type: none"> <li>To provide a full range of employment opportunities for persons of all income levels.</li> </ul>	<p><b>Consistent.</b> The Proposed Project would be consistent with this objective, as it provides ground-floor restaurant/retail and would introduce new employment opportunities into the area.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Consistent.</b> The Proposed Project would locate high-density housing near many employment opportunities. Additionally, the ground-floor commercial element provides additional employment opportunities in the Downtown area. The Proposed Project’s residential units and employment opportunities would be available to all ethnic, social, and economic groups without discrimination. As such, the Proposed Project would be consistent with this objective.</p>
<ul style="list-style-type: none"> <li>To establish an atmosphere of cooperation among residents, workers, developers, business, special interest groups and public agencies in the implementation of this Plan.</li> </ul>	<p><b>Consistent.</b> This objective is directed toward City goals and is not specifically applicable to the Proposed Project. The Proposed Project would be designed and developed with the guidance of the Department of City Planning, and other necessary City departments. Additionally, the Proposed Project would be designed in accordance with plans and design guidelines that have jurisdiction over the Project Site. As such, the Proposed Project would be consistent with this objective.</p>
<p><i>Notes:</i>            1. “Plan” used within this table means the City Center Redevelopment Plan.            Source: City of Los Angeles, Redevelopment Plan For the City Center Redevelopment Project (Ordinance No. 174593), May 15, 2002.            Parker Environmental Consultants, 2017.</p>	

The Redevelopment Plan designates the Project Site as residential. The Redevelopment Plan establishes four criteria for commercial uses within residential areas, which includes mixed-use commercial and residential in a residential zone. These criteria are:

1. Promote community revitalization;
2. Promote the goals and objectives of the Plan;
3. Be compatible with and appropriate for the Residential uses in the vicinity;
4. Meet design and location criteria required by the Community Redevelopment Agency.

The Proposed Project would be consistent with the criteria for commercial uses in residential areas. The Proposed Project would revitalize an underutilized lot with the development of a high-rise mixed-use building with ground-floor commercial space and residential units. As demonstrated in Table III-11, above, the Proposed Project would promote the goals and objectives of the Plan. The Proposed Project’s land uses are consistent with the surrounding neighborhood that is characterized by existing and proposed mixed-use buildings. Additionally, the Proposed Project would be consistent with the Project Site’s zoning ([Q]R5-4D-O) and General Plan land use designation (High Density Residential). As such, the Proposed Project would be compatible and appropriate for the commercial land uses located in the vicinity of the Project Site. Further, the Project would provide open space for the residents, which would comply with the LAMC requirements for open space. Thus, the Proposed Project would include amenities, which are appropriate to the size and type of housing proposed. The Redevelopment Plan refers to the Downtown Design Guide for guidance in building design. The proposed building would be designed with the guidance of this document (further discussed below).

Section 512.1 of the Redevelopment Plan allows for a maximum FAR of 6 to 1 in the Historic Downtown

Development Area. However, Section 512.4 allows for this FAR to be exceeded through TFAR. The Proposed Project requests a TFAR approval of more than 50,000 square feet for the total square footage of 643,021 square feet, which is allowed pursuant to the Redevelopment Plan §512.4 and LAMC Section 14.5. Based on the Redevelopment Plan §512.4, TFAR resulting in higher density development must be appropriate in terms of location and access to the circulation system. TFAR to parcels with reasonable proximity or direct access to a public or private rapid transit station is also particularly encouraged. The Proposed Project is well served by transit and is within walking distance of two nearby Metro Stations--the Pico/Flower Station and the 7<sup>th</sup> Street/Metro Center Station. Therefore, the Proposed Project would be consistent with the Redevelopment Plan's goal to promote higher density mixed-use development and its overall objectives (discussed in Table III-11).

### ***Downtown Design Guide: City of Los Angeles***

As discussed earlier, the application of Public Resources Code Section 21099 provides that "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." The Proposed Project is a mixed-use residential project on an infill site within a transit priority area. While Section 21099 prohibits aesthetic impacts from being considered significant environmental impacts pursuant to CEQA, it does not affect the ability of the City of Los Angeles to implement design review through its ordinances or other discretionary powers. The City's Downtown Design Guide has been adopted by the City to guide its design review of projects as part of Site Plan Review. The Proposed Project's consistency with such design guidelines is discussed below.

The Downtown Design Guide: City of Los Angeles encourages Downtown Los Angeles to develop as a more sustainable and livable community. The focus of the Design Guide is on the relationship of buildings to the street, including sidewalk treatment, character of the building as it adjoins the sidewalk, and connections to transit. To achieve this harmony between buildings and public rights-of-way, the Design Guide provides design goals and specific requirements for the design of sidewalks and setbacks, ground floor treatment, parking and access, building massing and street wall, on-site open space, architectural detail, streetscape improvements, signage, public art, and promote civic and cultural life, which are discussed in further detail below. Additionally, the Downtown Design Guide identifies design principles for creating a livable downtown; these principles include:

- a) *Employment Opportunities.* Maintain and enhance the concentration of jobs, in both the public and private sectors, that provides the foundation of a sustainable Downtown.
- b) *Housing Choices.* Provide a range of housing types and price levels that offer a full range of choices, including home ownership, and bring people of diverse ages, ethnicities, household sizes and income into daily interaction.
- c) *Transportation Choices.* Enable people to move around easily on foot, bicycle, transit, or auto. Accommodate cars but fewer than in the suburbs and allow people to live easily without one.
- d) *Shops and Services Within Walking Distance.* Provide shops and services for everyday needs, including groceries, day care, cafes and restaurants, banks and drug stores, within an easy walk from home.
- e) *Safe, Shared Streets.* Design Streets not just for vehicles, but as usable outdoor space for walking, bicycling and visual enjoyment.

- f) *Gathering Places*. Provide places for people to socialize, including parks, sidewalks, courtyards and plazas, that are combined with shops and services. Program places for events and gatherings.
- g) *Active Recreation Areas*. Provide adequate public recreational open space, including joint use open space, within walking distance of residents.
- h) *A Rich Cultural Environment*. Integrate public art and contribute to the civic and cultural life of the City.

The Proposed Project would redevelop an underutilized site in an area largely characterized by commercial land uses. The Proposed Project includes the development of a mixed-use building that would contain residential units and ground-floor restaurant/retail. The Proposed Project would increase employment opportunities with its ground-floor commercial component. The Proposed Project would also be increasing the concentration of employment opportunities downtown and placing residents within walking distance of many employment opportunities, shops, and services. The Proposed Project's location would reduce dependence on single-occupancy vehicles and promote walking and alternative transportation. The Proposed Project would directly increase housing choices in downtown Los Angeles. With approval of the discretionary requests, the Proposed Project would provide adequate open space and residential amenities. The Proposed Project may include but is not limited to, a pool deck, landscaped courtyard, rooftop terrace, residential lobby, lounge rooms and private balconies. Additionally, the Proposed Project would include plazas and commercial uses that would face toward the public right-of-way, which would promote a pedestrian environment, activate the sidewalk, and provide socializing opportunities. The Proposed Project would support the Downtown Design Guide's principles of on-site recreation opportunities and gathering places. The Proposed Project would directly support and promote the first seven principles of the Downtown Design Guide.

Project Site access and driveway design would be designed and developed in consultation with the Los Angeles Department of Transportation, Department of Building and Safety, and the Los Angeles Fire Department, as required. According to the Design Guide, the portion of Olympic Boulevard that borders the Project Site is identified as "Retail Street." Consistent with this designation, the Proposed Project would provide ground-floor commercial uses that would front Hill Street and Olympic Boulevard and would support a pedestrian-oriented environment, which would help support civic and cultural life. Ground-floor design and treatment (such as providing large storefront windows and beautifying the public right-of-way with street trees and landscaping) would promote pedestrian activity along Hill Street and Olympic Boulevard. The Proposed Project would be visually consistent and compatible with the surrounding buildings along Hill Street and Olympic Boulevard by providing a zero-foot setback along Hill Street, a 2-foot dedication along Blackstone Court, and a 21-foot dedication with an 8-foot sidewalk easement along Olympic Boulevard as a dedication to contain landscaping and street trees. The Project Site would be well designed and landscaped and would further enrich the community identity within Downtown Los Angeles. Additionally, primary vehicular access for residential and commercial uses would be provided via full-access driveways along Hill Street and the adjacent alley, which would provide a connection to the subterranean garage and parking podium. Parking for the Proposed Project would primarily be subterranean or contained in the inner portions from the above-grade parking podium and hidden from view. The Proposed Project's building siting, parking and access, architectural design, and materials would support the Downtown Design Guidelines. Thus, the Proposed Project would support the applicable principles and design criteria of the Downtown Design Guide.

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**Los Angeles Municipal Code***Zoning and General Plan Land Use Designations*

The Project Site is located within the City of Los Angeles, which is subject to the requirements in the Los Angeles Municipal Code (LAMC). The Project Site consists of approximately 50,617 square feet (1.16 acres). The Project Site is currently improved with a surface parking lot. The Proposed Project includes the construction of a 60-story mixed-use apartment building with up to 700 apartments and 15,000 square feet of ground-floor restaurant/retail.

The Project Site is zoned [Q]R5-4D-O with a General Plan land use designation of High Density Residential, which allows for residential and restaurant/retail land uses. The Site is located within Subarea 2645 as defined in Ordinance No. 164,307. The [Q] condition reads as follows:

*The property shall be limited to the following uses:*

1. *Residential uses permitted in the R5 Zone.*
2. *Hotels, motels, and apartment hotels.*
3. *Any other use permitted in the C4 Zone, including commercial uses with a floor area ratio of up to 6:1, provided that the development plan is approved pursuant to the following procedure:*
  1. *The City Planning Commission shall have the authority to approve such development plan if it finds: (i) that the proposed development will be desirable to the public convenience or welfare, and (ii) that the proposed development will be in harmony with the objectives and intent of the Central City Community Plan, and (iii) that the City Planning Commission and the Community Redevelopment Agency Board have determined that the proposed development conforms to the Redevelopment Plan for the Central Business District, and (iv) that the proposed development will not have an adverse impact on existing or planned housing development in the vicinity, and (v) that the proposed development will not reduce the potential for future housing development on any other property planned for housing use in the Central City Community Plan, and (vi) that the proposed development will be in harmony with Grand Hope Park.*
  2. *The Commission may impose such conditions as it deems necessary with the objectives and intent of the Central City Community Plan and the Redevelopment Plan for the Central Business District.*
  3. *An application to permit such development, together with a complete set of development plans, shall be filed with the Community Redevelopment Agency and the City Planning Commission. The application with the Planning Commission shall be deemed complete when accompanied by determination by the Community Redevelopment Agency Board. (pages 60-61 of Ordinance No. 164,307).*

The “D” for the Project Site reads as follows:

*The total floor area contained in all buildings on a lot shall not exceed six (6) times the buildable area of the lot, except for the following: (a) Projects approved under Section 418 (Transfer of Floor Area) of the Redevelopment Plan for the Central Business District Redevelopment Plan; (b) Projects approved under Section 415 (Rehabilitation and/or Remodeling of Existing Buildings) or Section 416 (Replacement of*

*Existing Buildings) of said Redevelopment Plan; (c) Projects for which a density variation of 50,000 square feet or less is granted under Section 437 of said Redevelopment Plan; (d) Projects for which a density variation of more than 50,000 square feet was granted under Section 437 of said Redevelopment Plan prior to the effective date of this ordinance; (e) Projects approved pursuant to any procedure to regulate transfers of floor area as may be adopted by the City Council. The term “floor area” shall mean floor area as defined in Municipal Code Sections 12.21.1-A.5 and 12.21.1-B-4. (page 59 of Ordinance No. 164,307).*

The corresponding zone for High Density Residential is a R5 zone. The Proposed Project would be comprised of multi-family residential uses and restaurant/retail uses. Commercial uses are permitted on lots zoned for R5 uses that are located within the Central City CPA and the City Center Redevelopment Project Area. With approval of discretionary requests, the Proposed Project would conform to the allowable land uses pursuant to the LAMC.

#### *Height/Floor Area*

Height District No. 4 does not specify a building height limit and would permit a maximum FAR of 13:1. However, the Project Site is subject to the Development “D” Limitations contained within Ordinance No. 164307, Subarea 2645. The D limitation restricts the maximum FAR to 6:1, unless the Project is approved additional floor area as referenced under *Zoning and General Plan Land Use Designation*. The Redevelopment Plan limits the total floor area of the Project Site to a ratio of 6:1 or approximately 303,702 square feet based on lot area. Per the Redevelopment Plan and the Transfer of Floor Area Rights (TFAR), development of the Project Site is allowed to a maximum FAR of 13:1, or approximately 658,021 square feet. The Proposed Project requests a TFAR approval of more than 50,000 square feet to allow for a total square footage of 658,021 square feet, which is permitted pursuant to the Redevelopment Plan §512 and LAMC Section 14.5. The addition of buildable floor area through the TFAR request would result in an FAR of 13:1. Thus, with approval of a TFAR request, the Proposed Project would be consistent with the allowable FAR.

#### *Density*

Per the Greater Downtown Housing Incentive Area, LAMC Section 12.22 C.3(c), the maximum number of dwelling units or guest rooms permitted shall not be limited by the lot area provisions of the LAMC so long as the total floor area utilized by guest rooms does not exceed the total floor area utilized by the dwelling units. The Project Site would be developed with up to 700 residential dwelling units and no guest rooms. Thus, the Proposed Project is consistent with this requirement.

#### *Open Space*

As shown in Table II-3 in Section II, Project Description, the Proposed Project would be in compliance with the minimum open space requirements of the LAMC. The Proposed Project would include 85,550 square feet of open space. The total amount of open space required by code is approximately 86,976 square feet. As part of the open space requirements, the residential component of the Proposed Project includes planting trees at a rate of one tree for every four dwelling units, which requires 175 trees. The

Proposed Project would also replace the seven street trees on a 2:1 ratio. A total of 184 trees are proposed on-site, which is consistent with LAMC requirements. Thus, the Proposed Project would be consistent with the open space requirements of the LAMC.

### *Parking*

As discussed previously in this Section, the Proposed Project meets all of the requisite criteria of a Transit Oriented Infill Project pursuant to SB 743. SB 743, now codified as law under Public Resources Code 21099 provides that “aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, the Proposed Project’s parking impacts shall not be considered significant impacts on the environment as a matter of law under Public Resources Code Section 21099.

Parking for the proposed retail and residential uses on-site will be provided in the seven levels of subterranean parking beneath the building and in levels one through four (above grade). The Project Site is located within the Central City Parking Exception area (LAMC Section 12.21 A 4 (p)), which permits one (1) space for each dwelling unit, except where there are more than six (6) dwelling units of more than three (3) habitable rooms per unit on any lot, the ratio of parking spaces required for all of such units shall be at least one and one-quarter (1¼) parking spaces for each dwelling unit of more than three (3) habitable rooms. The Project Site is also located in the Downtown Parking District, which establishes parking for certain non-residential uses. Pursuant to the Downtown Parking District, one (1) parking space is required per 1,000 square feet of commercial uses. As summarized in Table II-4, in the Project Description Chapter, the Proposed Project would be consistent with the applicable parking requirements of the LAMC. The Proposed Project would require a total of 1,075 parking spaces with 840 residential spaces and 15 commercial parking spaces. An additional 220 spaces is required for the adjacent office building located across the alleyway as part of a contract parking agreement. The Proposed Project plans to provide 1,075 parking spaces. Should the number of dwelling units or area of commercial space change prior to construction, the amount of vehicle and bicycle parking would change accordingly, in order to satisfy the requirements of the LAMC.

The Proposed Project would provide on-site bicycle parking and storage spaces for short-term and long-term bike storage. All short-term and long-term bike parking would be spread throughout the lower basements to the 5th floor near the service elevators and stairways. Pursuant to LAMC Section 12.21 A.16, the Proposed Project is required to supply 78 short-term bicycle parking spaces and 708 long-term bicycle parking spaces, for a total of 786 bicycle parking spaces. The Project proposes to provide 786 spaces. Thus, the Proposed Project would be consistent with the LAMC requirements for vehicle and bicycle parking.

### ***Downtown Adaptive Reuse Incentive Area***

The purpose of the Adaptive Reuse Ordinance is to facilitate the conversion of older, economically distressed, or historically significant buildings to apartments, live/work units, or visitor-serving facilities. An adaptive reuse project is defined as any change of use to dwelling units, guest rooms, or joint living and working quarters in all or any portion of any eligible building. The Proposed Project would not

rehabilitate any portion of the existing buildings on-site, and as such the Proposed Project is not an adaptive reuse project. No further discussion is required with regards to the Adaptive Reuse Ordinance.

### ***Downtown Streetcar Project Area***

The Project Site's parcels fronting Hill Street are located within the Downtown Streetcar Project area (ZI-2450). On November 22, 2016, the Planning and Land Use Committee directed the joint coordination between Department of City Planning (DCP) and Bureau of Engineering (BOE) relative to project applicants adjacent to the Downtown Streetcar Project. The proposed Streetcar Project consists of the construction and operation of streetcar service in downtown Los Angeles, along a 3.8 mile one-way loop. The alignment route would begin at 1<sup>st</sup> Street and Broadway and proceed south, turn west on 11<sup>th</sup> Street, north on Figueroa, and east on 7<sup>th</sup> Street, north of Hill Street, back to its beginning at 1<sup>st</sup> Street. Prior to the issuance of any building permit, the Project Applicant shall obtain clearance from the Bureau of Engineering Streetcar Division, and all construction activity, utility installation and/or utility relocation in the public right-of-way shall not conflict with the Downtown Streetcar Project. With clearance and approval from the Bureau of Engineering Streetcar Division, the Proposed Project would have a less than significant impact to the Downtown Streetcar Project.

As discussed in the preceding paragraphs, the Proposed Project would not conflict with local and regional plans applicable to the Project Site. With approval of discretionary requests and adherence to appropriate regulatory compliance measures, any impacts would be less than significant.

### **c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?**

**No Impact.** A project-related significant adverse impact could occur if the Project Site were located within an area governed by a habitat conservation plan or natural community conservation plan. As discussed in Question IV(f) above, no such plans presently exist which govern any portion of the Project Site. Further, the Project Site is located in a highly urbanized area, and the Project Site is currently developed with a surface parking lot. Therefore, no impact would occur.

### **Cumulative Impacts**

**Less Than Significant Impact.** Development of any related project is expected to occur in accordance with adopted plans and regulations. It is also expected that most of the related projects would be compatible with the zoning and land use designations of each related project site and its existing surrounding uses. In addition, it is reasonable to assume that the related projects under consideration would implement and support local and regional planning goals and policies. Therefore, the Proposed Project's land use impacts would not be cumulatively considerable since the Proposed Project would not conflict with applicable local or regional plans. As such, impacts would be less than significant.

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## XI. MINERAL RESOURCES

### a) **Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

**Less Than Significant Impact.** A significant impact may occur if a project site is located in an area used or available for extraction of a regionally-important mineral resource, or if the project development would convert an existing or future regionally-important mineral extraction use to another use, or if the project development would affect access to a site used or potentially available for regionally-important mineral resource extraction. According to the *L.A. CEQA Thresholds Guide*, the determination of significance shall be made on a case-by-case basis considering: (a) whether, or the degree to which, the project might result in the permanent loss of, or loss of access to, a mineral resource that is located in a State Mining and Geology Board Mineral Resource Zone MRZ-2 zone or other known or potential mineral resource area, and (b) whether the mineral resource is of regional or statewide significance, or is noted in the Conservation Element as being of local importance. The Project Site is zoned [Q]R5-4D-O, the “O” designation indicates the Project Site is located in an oil drilling district, specifically the Los Angeles Downtown Oil Field.<sup>44</sup> The Project Site is also located within a Mineral Resources Zone 2 (MRZ-2).<sup>45</sup> The Project Site is not currently used for the extraction of mineral resources, and there is no evidence to suggest that the Project Site has been historically used for the extraction of mineral resources. The Project Site is currently developed with a surface parking lot. Development of the Project Site would not block or hinder access or availability of mineral resources. Therefore, the development of the Proposed Project would not result in the loss of availability of a known mineral resource, and a less than significant impact would occur.

### b) **Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**Less Than Significant Impact.** A significant impact may occur if the Project Site is located in an area used or available for extraction of a regionally-important mineral resource, or if the development would convert an existing or future regionally-important mineral extraction use to another use, or if the development would affect access to a site used or potentially available for regionally-important mineral resource extraction. Although the Project Site is located within a MRZ-2 zone, the Project Site is not currently used for the extraction of mineral resources. Historic research also shows that the Project Site has not been historically used for the extraction of mineral resources. Development of the Project Site would not block or hinder access or availability of locally important mineral resources. Therefore, a less than significant impact to locally important mineral resources would occur.

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<sup>44</sup> *City of Los Angeles Department of City Planning, Environmental and Public Facilities Maps: Oil field and oil drilling areas in the City of Los Angeles, September 1996.*

<sup>45</sup> *City of Los Angeles Department of City Planning, Environmental and Public Facilities Maps: Areas containing Significant Mineral Deposits in the City of Los Angeles, September 1996.*

## XII. NOISE

### *Fundamentals of Noise*

Sound is technically described in terms of amplitude (loudness) and frequency (pitch). The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Since the human ear is not equally sensitive to a given sound level at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Noise, on the other hand, is typically defined as unwanted sound. A typical noise environment consists of a base of steady “background” noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway.

Several rating scales have been developed to analyze the adverse effect of community noise on people. Since environmental noise fluctuates over time, these scales consider that the effect of noise upon people is largely dependent upon the total acoustical energy content of the noise, as well as the time of day when the noise occurs. Those that are applicable to this analysis are as follows:

- $L_{eq}$  – An  $L_{eq}$ , or equivalent energy noise level, is the average acoustic energy content of noise for a stated period of time. Thus, the  $L_{eq}$  of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
- $L_{max}$  – The maximum instantaneous noise level experienced during a given period of time.
- $L_{min}$  – The minimum instantaneous noise level experienced during a given period of time.
- CNEL – The Community Noise Equivalent Level is a 24-hour average  $L_{eq}$  with a 5 dBA “weighting” during the hours of 7:00 P.M. to 10:00 P.M. and a 10 dBA “weighting” added to noise during the hours of 10:00 P.M. to 7:00 A.M. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24 hour  $L_{eq}$  would result in a measurement of 66.7 dBA CNEL.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day, night, or over a 24-hour period. For residential uses, environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60–70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet suburban residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate level noise environments are urban residential or

semi-commercial areas (typically 55–60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with more noisy urban residential or residential-commercial areas (60–75 dBA) or dense urban or industrial areas (65–80 dBA).

According to the World Health Organization (WHO), sleep disturbance can occur when continuous indoor noise levels exceed 30 dBA or when intermittent interior noise levels reach 45 dBA, particularly if background noise is low. With a bedroom window slightly open (a reduction from outside to inside of 15 dB), the WHO criteria suggest that exterior continuous (ambient) nighttime noise levels should be 45 dBA or below, and short-term events should not generate noise in excess of 60 dBA. WHO also notes that maintaining noise levels within the recommended levels during the first part of the night is believed to be effective for the ability of people to initially fall asleep. Other potential health effects of noise identified by WHO include decreased performance for complex cognitive tasks, such as reading, attention span, problem solving, and memorization; physiological effects such as hypertension and heart disease (after many years of constant exposure, often by workers, to high noise levels); and hearing impairment (again, generally after long-term occupational exposure, although shorter-term exposure to very high noise levels, for example, exposure several times a year to convert noise at 100 dBA, can also damage hearing). Finally, noise can cause annoyance and can trigger emotional reactions like anger, depression, and anxiety. WHO reports that, during daytime hours, few people are seriously annoyed by activities with noise levels below 55 dBA or moderately annoyed with noise levels below 50 dBA. Vehicle traffic and continuous sources of machinery and mechanical noise contribute to ambient noise levels. Short-term noise sources, such as truck backup beepers, the crashing of material being loaded or unloaded, car doors slamming, and engines revving outside a nightclub, contribute very little to 24-hour noise levels but are capable of causing sleep disturbance and severe annoyance. The importance of noise to receptors depends on both time and context. For example, long-term high noise levels from large traffic volumes can make conversation at a normal voice level difficult or impossible, while short-term peak noise levels, if they occur at night, can disturb sleep.<sup>46</sup>

Noise levels from a particular source generally decline as distance to the receptor increases. Other factors, such as the weather and reflecting or barriers, also help intensify or reduce the noise level at any given location. A commonly used rule of thumb for roadway noise is that for every doubling of distance from the source, the noise level is reduced by about 3 dBA at acoustically “hard” locations (i.e., the area between the noise source and the receptor is nearly complete asphalt, concrete, hard-packed soil, or other solid materials) and 5 dBA at acoustically “soft” locations (i.e., the area between the source and receptor is normal earth or has vegetation, including grass). Noise from stationary or point sources is reduced by about 6 to 7.5 dBA for every doubling of distance at acoustically hard and soft locations, respectively. In addition, noise levels are also generally reduced by 1 dBA for each 1,000 feet of distance due to air absorption. Noise levels may also be reduced by intervening structures – generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA. The normal noise attenuation within residential

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<sup>46</sup> *City & County of San Francisco Superior Court, Mission Bay Alliance v. Office of Community Investment and Infrastructure, November 29, 2016.*

structures with open windows is about 17 dBA, while the noise attenuation with closed windows is about 25 dBA.<sup>47</sup>

### *Ambient Noise Levels*

To assess the existing ambient noise conditions in the area, ambient noise measurements were taken with a Larson Davis 831 sound level meter, which conforms to industry standards set forth in ANSI S1.4-1983 (R2001) - American National Standard Specification for Sound Level Meters. Figure III-1, Noise Monitoring and Sensitive Receptor Location Map, depicts the noise measurement locations fronting the adjacent residential and educational uses as the most likely sensitive receptors to experience noise level increases during construction and at the major intersections surrounding the Project Site. The detailed noise monitoring data are presented in Appendix G, Noise Monitoring Data and Calculations Worksheets, and are summarized below in Table III-12, Existing Ambient Daytime Noise Levels in Project Site Vicinity. As shown in Table III-12, the ambient noise in the vicinity of the Project Site ranges from 67.4 to 73.2  $L_{eq}$ . The maximum instantaneous noise level during the three 15-minute recordings was 90.3 dB  $L_{max}$  along the north side of Olympic Boulevard near the alleyway, where heavy vehicle traffic, buses, and delivery trucks passed by the noise monitor. The primary noise sources that contributed most to the measured ambient noise levels were pedestrians and vehicle traffic during the daytime hours, including cars, motorcycles, buses, and delivery trucks.

**Table III-12**  
**Existing Ambient Daytime Noise Levels in Project Site Vicinity**

No.	Location	Primary Noise Sources	Noise Level Statistics <sup>a</sup>		
			$L_{eq}$	$L_{min}$	$L_{max}$
1	On the north side of Olympic Boulevard, across from the Project Site	Vehicle traffic, pedestrian activity, buses, and delivery trucks	73.2	54.8	90.3
2	On the northwest corner of Hill Street and Olympic Boulevard	Vehicle traffic, pedestrian activity, buses, and delivery trucks	70.6	61.0	86.8
3	On the west side of Hill Street across from the Project Site	Vehicle traffic, pedestrian activity, buses, and delivery trucks	67.4	55.9	79.7
4	On the east side of Broadway south of Olympic Boulevard	Vehicle traffic, buses, and trucks	71.0	61.5	88.2

<sup>a</sup> Noise measurements at locations 1-3 were taken on Tuesday, March 28, 2017 at each location for a duration of 15 minutes. Location 4 was measured on June 20, 2017. See Appendix G of this IS/MND for noise monitoring data sheets. Parker Environmental Consultants, 2017.

### *Sensitive Receptors*

Several noise sensitive land uses are located in the vicinity of the Proposed Project. For purposes of assessing noise impacts on sensitive populations, the following sensitive receptors in close proximity (within 500 feet) to the Project Site were identified:

<sup>47</sup> National Cooperative Highway Research Program Report 117, Highway Noise: A Design Guide for Highway Engineers, 1971.

- 940 S. Hill Street – existing commercial building, but proposed for mixed-use with residential development, located approximately 80 feet north of the Project Site;
- 955 S. Broadway – surface parking lot proposed for a mixed-use building with residential, located approximately 90 feet north of the Project Site;
- 939 S. Hill Street – Hanover South Park, a mixed-use building with residential, located approximately 150 feet northwest of the Project Site;
- 939 S. Broadway - Western Costume Building, a vacant building but proposed for adaptive re-use with residential units, located approximately 220 feet northeast of the Project Site;
- 1026 S. Broadway – Broadway Palace Apartments, mixed-use building with residential units, located approximately 250 feet east of the Project Site; and
- 927 S. Broadway – United Artists Theater Building (Ace Hotel), a mixed-use building with hotel, located approximately 330 feet northeast of the Project Site.

The locations of these land uses relative to the Project Site are depicted in Figure III-1, Noise Monitoring and Sensitive Receptor Location Map. For purposes of assessing construction-generated vibration impacts, the Mayan Theater located immediately south of the Project Site is potentially susceptible to structural vibration impacts from the construction activities proposed for the Project, since the Mayan Theater is an identified historical structure.

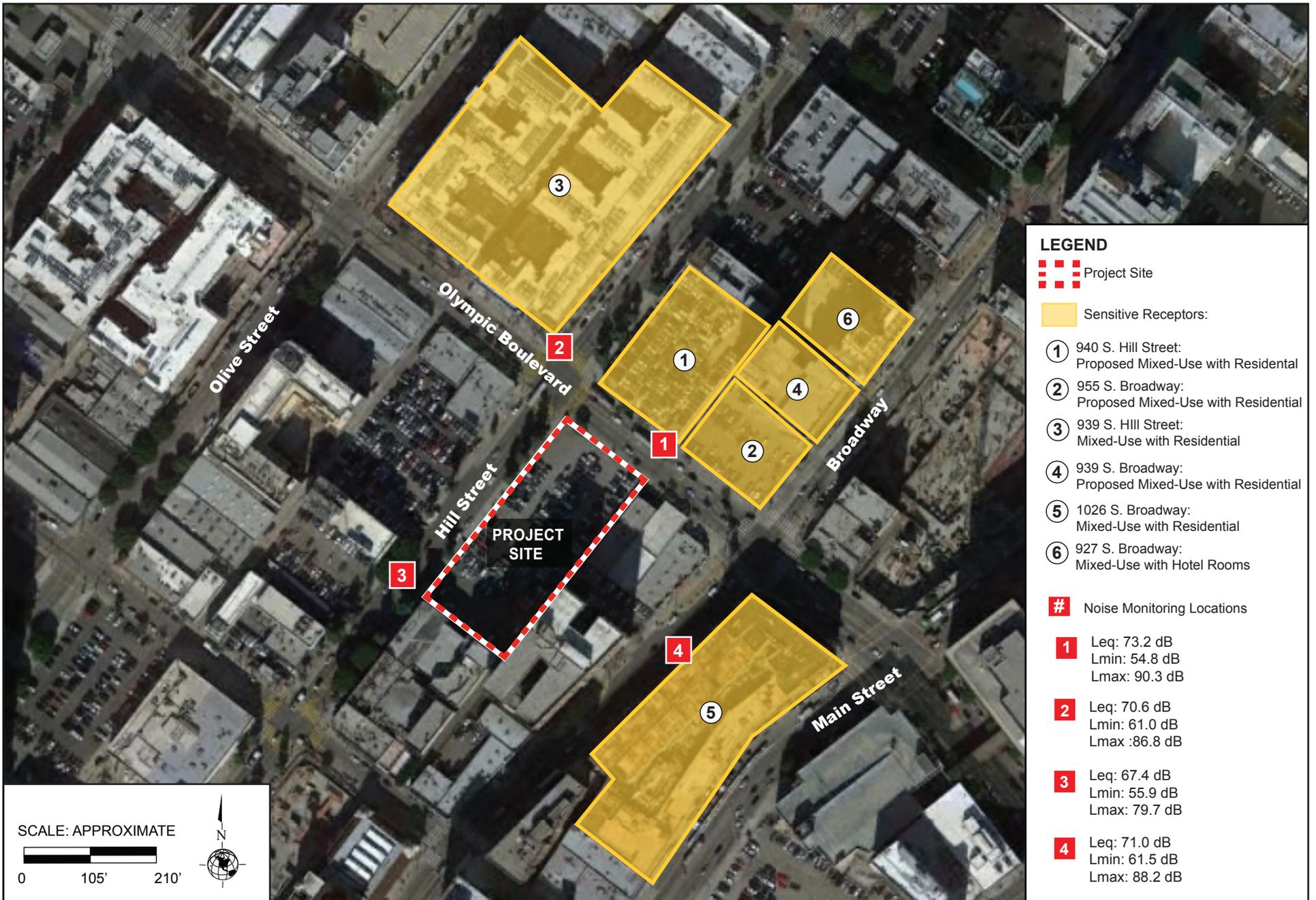
**a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Potentially Significant Unless Mitigation Incorporated.** A significant impact may occur if the Proposed Project would generate excess noise that would cause the ambient noise environment at the Project Site to exceed noise level standards set forth in the City of Los Angeles General Plan Noise Element (Noise Element) and the City of Los Angeles Noise Ordinance (Noise Ordinance). Implementation of the Proposed Project would result in an increase in ambient noise levels during both construction and operation, as discussed in further detail, below.

***Construction Noise***

***On-Site Construction Noise***

Construction-related noise impacts upon adjacent land uses would be significant if, as indicated in LAMC Section 112.05, noise from construction equipment within 500 feet of a residential zone exceeds 75 dBA at a distance of 50 feet from the noise source. However, the above noise limitation does not apply where compliance is technically infeasible. Technically infeasible means that the above noise limitation cannot be complied with despite the use of mufflers, shields, sound barriers and/or any other feasible noise reduction device or techniques during the operation of the equipment. Additionally, as defined in the *L.A. CEQA Thresholds Guide* for construction noise impacts, a significant impact would occur if construction activities lasting more than one day would increase the ambient noise levels by 10 dBA or more at any off-site noise-sensitive location. Furthermore, the *L.A. CEQA Thresholds Guide* also states that



construction activities lasting more than ten days in a three-month period, which would increase ambient exterior noise levels by 5 dBA or more at a noise sensitive use, would also normally result in a significant impact.

Construction of the Proposed Project would require the use of heavy equipment for site clearing, grading and site preparation, the installation of utilities, paving, and building construction. During each construction phase, there would be a different mix of equipment operating and noise levels would vary based on the amount of equipment in operation and the location of each activity. The U.S. Environmental Protection Agency (EPA) has compiled data regarding the noise generating characteristics of specific types of construction equipment and typical construction activities. The data pertaining to the types of construction equipment and activities that would occur at the Project Site are presented in Table III-13, Typical Outdoor Construction Noise Levels, at a distance of 50 feet from the noise source (i.e., reference distance).

The noise levels shown in Table III-13 represent expected noise levels typically associated with construction activities, which take into account both the number of pieces and spacing of heavy construction equipment that are typically used during each phase of construction. Construction noise during the heavier initial periods of construction could therefore be expected to be 86 dBA  $L_{eq}$  when measured at a reference distance of 50 feet from the center of construction activity.<sup>48</sup> These noise levels would diminish rapidly with distance from the construction site at a rate of approximately 6 dBA per doubling of distance. For example, a noise level of 84 dBA  $L_{eq}$  measured at 50 feet from the noise source to the receptor would reduce to 78 dBA  $L_{eq}$  at 100 feet from the source to the receptor, and reduce by another 6 dBA  $L_{eq}$  to 72 dBA  $L_{eq}$  at 200 feet from the source to the receptor. Construction activities associated with the Proposed Project would be expected to generate similar noise levels to those shown in Table III-12, below during the approximate 30-month construction period.

**Table III-13**  
**Typical Outdoor Construction Noise Levels**

<b>Construction Phase</b>	<b>Noise Levels at 50 Feet with Mufflers (dBA <math>L_{eq}</math>)</b>	<b>Noise Levels at 60 Feet with Mufflers (dBA <math>L_{eq}</math>)</b>	<b>Noise Levels at 100 Feet with Mufflers (dBA <math>L_{eq}</math>)</b>	<b>Noise Levels at 200 Feet with Mufflers (dBA <math>L_{eq}</math>)</b>
Ground Clearing	82	80	76	70
Excavation, Grading	86	84	80	74
Foundations	77	75	71	65
Structural	83	81	77	71

*Source: United States Environmental Protection Agency, Noise from Construction Equipment and Operations, Building Equipment and Home Appliances, PB 206717, 1971.  
Parker Environmental Consultants, 2017.*

<sup>48</sup> Although the peak noise levels generated by certain construction equipment may be greater than 86 dBA at a distance of 50 feet, the equivalent noise level would be approximately 86 dBA  $L_{eq}$  (i.e., the equipment does not operate at the peak noise level over the entire duration).

As set forth in the *L.A. CEQA Thresholds Guide*, a significant construction noise impact would occur if construction activities lasting more than one day would increase the ambient noise levels by 10 dBA or more at any off-site noise-sensitive location. Construction activities lasting more than ten days in a three-month period, which would increase ambient exterior noise levels by 5 dBA or more at a noise sensitive use, would also normally result in a significant impact. Since construction activities associated with the proposed development at the Project Site would last for more than ten days in a three-month period, a significant noise impact during construction would occur if the ambient exterior noise levels at the identified off-site and on-site sensitive receptors increase by 5 dBA or more.

Table III-14, below, shows the estimated exterior construction noise levels at the six identified sensitive receptor locations. The Project's construction noise levels at sensitive receptors 4 through 6 would be under existing ambient noise levels, and thus would not be significantly impacted by the Proposed Project. Construction noise levels at sensitive receptors 1 through 3, however, would potentially be exposed to noise levels that exceed a 5 dBA increase over the ambient noise levels and thus could be significantly impacted.

Sensitive receptor locations 1 and 2 currently consist of a commercial retail/office land use and a surface parking lot, respectively. These properties, which are approved to be developed with residential land uses in the future, would only be impacted if they are occupied by residential land uses prior to construction of the Proposed Project.

**Table III-14**  
**Estimated Exterior Construction Noise at Nearest Sensitive Receptors**

<b>ID <sup>a</sup></b>	<b>Address / Sensitive Land Use</b>	<b>Existing Exterior Ambient Noise (dBA L<sub>eq</sub>)</b>	<b>Construction Noise Levels Without Mitigation (dBA L<sub>eq</sub>)</b>	<b>Construction Noise Levels With Mitigation (dBA L<sub>eq</sub>)</b>	<b>Noise Level Increase with Mitigation (dBA L<sub>eq</sub>)</b>
1	940 S. Hill Street Proposed mixed-use with residential	73.2	81.9	76.9	3.7
2	955 S. Broadway Proposed mixed-use with residential	73.2	80.9	75.9	2.7
3	939 S. Hill Street Mixed-use with residential	70.6	76.5	71.5	0.9
4	939 S. Broadway Proposed mixed-use with residential	73.2	73.2	68.1	0.0
5	1026 S. Broadway Mixed-use with residential	73.2	73.2	67.0	0.0
6	927 S. Broadway Mixed-use with hotel rooms	71.0	71.0	64.6	0.0

*Notes*

<sup>a</sup> See Figure III-1, Noise Monitoring and Sensitive Receptor Location Map.

Source: Calculations based on Federal Transit Administration, *Transit Noise and Vibration Impact Assessment, Final Report, May 2006*. It should be noted that the peak noise level increase at the nearby sensitive receptors during project construction represents the highest composite noise level that would be generated periodically during a worst-case construction activity and does not represent continuous noise levels occurring throughout the construction day or period.

Parker Environmental Consultants, 2017.

Sensitive receptor location 3 is currently an occupied multi-family residential land use and as such, its residents would be exposed to daytime noise levels exceeding 5 dBA above ambient noise levels. As such, it is recommended that a temporary noise barrier be installed along the northerly property line fronting Olympic Boulevard to block the line-of-sight between the noise sources and the receptor. The construction of a ¾ inch plywood temporary noise barrier would be capable of attenuating the noise level by approximately 5 dBA, which would reduce construction noise impacts to below the threshold of significance. (see Mitigation Measure N-4, below). Furthermore, Mitigation Measure N-5 would ensure temporary noise barriers are used during construction activities on floors located above the first level to ensure noise levels are appropriately attenuated so as not to exceed a 5 dBA increase at nearby residential land uses. A noise reduction of 5 dBA would be sufficient to reduce construction noise levels to below the thresholds of significance. As such, construction noise impacts would be less than significant after mitigation.

The Mayan Theater is located directly to the south of the Project Site. The Mayan Theater is a commercial nightclub use that is primarily in use after 6 p.m. on weekdays and on weekends. As such, construction noise from the Project Site would not interfere with the commercial use of the Mayan Theater. Additionally, the Mayan Theater is constructed with masonry walls on the north façade, which would provide more than 20 dBA of attenuation from outdoor to indoor noise levels. Thus in the event any events are scheduled during the active periods of construction, the interior noise levels would not be impacted by exterior construction noise.

The City of Los Angeles Building Regulations Ordinance No. 178,048 requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the Project Site, and City telephone numbers where violations can be reported. The notice is required to be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.

As noted in Mitigation Measure N-1 through N-5, noise control efforts to limit the construction activities to permissible hours of construction, incorporate noise shielding devices and sound mufflers and operate machinery in a manner that reduces noise levels (i.e., not operating several pieces of equipment simultaneously if possible) would be effective in reducing noise impacts. The Proposed Project's construction noise levels would occur on a temporary and intermittent basis during the construction period of the Proposed Project. Pursuant to LAMC Section 41.40, exterior demolition and construction activities that generate noise are prohibited between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, and between 6:00 P.M. and 8:00 A.M. on Saturday. Demolition and construction are prohibited on Sundays or any federal holidays. The construction activities associated with the Proposed Project would comply with these LAMC requirements. Mitigation Measure N-1 would further restrict the permissible hours of construction to the hours of 7:00 A.M. to 6:00 P.M. Monday through Friday, and 8:00 A.M. to 6:00 P.M. on Saturday.

Further, the Applicant would be required to post informational signage providing contact information to report complaints regarding excessive noise (refer to Mitigation Measure N-6, below). With

implementation of Mitigation Measure N-6 and regulatory compliance measures, affected residents and business owners would be provided advanced notice of potential noise impacts and opportunities to comment on construction noise.

### **Mitigation Measures:**

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

- N-1 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.
- N-2 To the maximum extent practical, demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- N-3 The project contractor shall use power construction equipment with noise shielding and muffling devices.
- N-4 The project contractor shall erect a temporary noise-attenuating sound barrier along the perimeter of the Project Site. The sound wall shall be a minimum of 8 feet in height to block the line-of-site of construction equipment and off site receptors at the ground level. The sound barrier shall include  $\frac{3}{4}$  inch plywood or other sound absorbing material capable of achieving a 5-dBA reduction in sound level.
- N-5 During structural framing, the project contractor shall utilize temporary portable acoustic barriers, partitions, or acoustic blankets to effectively block the line-of-sight between noise producing equipment and the adjacent residential land uses for purposes of ensuring noise levels at the adjacent residential land uses does not exceed 5 dBA over the ambient noise levels.
- N-6 An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours of their receipt.

#### **Off-Site Construction Noise**

Construction of the Proposed Project would generate an increase in worker trips and heavy-duty truck traffic on local roadways for the export of soil and the delivery of materials during the construction process. Based on the construction modeling assumptions provided in the CalEEMod air quality worksheets (see Appendix A to this MND), it is estimated that the Proposed Project would result in a maximum of 100 hauls (200 haul trips, one inbound and one outbound) during the grading phase and up to 790 worker and vendor trips per day during the peak construction activity. Worker and haul truck trips would generate short-term increases in noise levels on area roadways. Assuming haul trucks are

distributed evenly over an eight-hour day, it is anticipated that the average hourly haul truck volume would be 26 trips within each hour (i.e., 13 inbound and 13 outbound). Based on the FHWA's Transportation Noise Model (TNM) Reference Energy Mean Emission Levels (REMLs), the increase of 26 haul trips would generate an equivalent noise level as approximately 393-496 automobiles.<sup>49</sup> Based on the existing traffic data provided in Appendix G (Noise Monitoring and Calculation Worksheets), the peak hour traffic volumes on Hill Street and Olympic Boulevard in the project vicinity range from 1,506 to 1,801 peak hour trips. Thus, the increase of 26 haul trips (i.e., 393-496 automobile equivalent trips) would represent an approximate 26-33 percent increase in equivalent traffic volume (1 hr  $L_{eq}$ ). Similarly, the 790 worker and vendor trips generated under Phase 3 (building construction), would be well under the peak hour traffic volumes on the surrounding streets. As it would take a doubling of the existing traffic volume to generate a 3 dBA<sup>50</sup> increase in ambient noise levels, a 26-33 percent increase in traffic volume over a 1-hour  $L_{eq}$  event would generate a less than 3 dBA increase in noise and thus would result in a less than significant construction noise impact under the most stringent threshold.

### ***Operational Noise***

#### *HVAC Equipment Noise*

Upon completion and operation of the Proposed Project, on-site operational noise would be generated by heating, ventilation, and air conditioning (HVAC) equipment installed on the new structures, and vehicular access (loading/delivery trucks) in the alleyway. However, the operation of this and any other on-site stationary sources of noise would be required to comply with the LAMC Section 112.02, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than five decibels. Additionally, although loading and delivery trucks would access the site from the alley, the trucks would enter the enclosed parking garage for unloading and loading activities. As such, noise associated with these loading activities would be attenuated by the proposed parking structure. With compliance with regulatory measures, impacts would be less than significant.

#### *Urban Noise Levels and Residential Land Uses*

In order to ensure that on-site residences would not be adversely impacted by ambient urban noise levels, the Proposed Project would be constructed in accordance with Title 24 insulation standards of the California Code of Regulations for residential buildings, which serves to provide an acceptable interior noise environment for sensitive uses. 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. The Proposed Project would

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<sup>49</sup> *Per Caltrans Technical Noise Supplement, 1 Heavy Duty Truck generates an equivalent noise level of 15.1 automobiles traveling 40 miles per hour, or 19.1 automobiles per truck traveling 35 miles per hour. (See Table 3-3 on page 3-19).*

<sup>50</sup> *California Department of Transportation, Technical Noise Supplement to the Traffic Noise Analysis Protocol, 2013 (at page 2-15).*

further comply with the California Green Building Code requirements for noise exposure. With compliance with regulatory measures, impacts associated with interior noise levels at the proposed residences would be less than significant.

**b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

**Potentially Significant Unless Mitigation Incorporated.** Vibration is sound radiated through the ground. Vibration can result from a source (e.g., subway operations, vehicles, machinery equipment, etc.) causing the adjacent ground to move, thereby creating vibration waves that propagate through the soil to the foundations of nearby buildings. This effect is referred to as groundborne vibration. The peak particle velocity (PPV) or the root mean square (RMS) velocity is usually used to describe vibration levels. PPV is defined as the maximum instantaneous peak of the vibration level and is typically used for evaluating potential building damage. RMS is defined as the square root of the average of the squared amplitude of the level. RMS velocity in decibels (VdB) is typically more suitable for evaluating human response.

The background vibration velocity level in residential areas is usually around 50 VdB. The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for most people. Most perceptible indoor vibration is caused by sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration from traffic is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

***Construction***

Excavation and earthwork activities for the Proposed Project have the potential to generate low levels of groundborne vibration. The operation of construction equipment generates vibrations that propagate through the ground and diminishes in intensity with distance from the source. Vibration impacts can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage of buildings at the highest levels. Thus, construction activities associated with the Proposed Project could have an adverse impact on sensitive structures (i.e., building damage).

For purposes of addressing construction-related vibration impacts on buildings, the City of Los Angeles has not adopted any policies or guidelines relative to groundborne vibration impacts. While the Los Angeles County Code (LACC Section 12.08.350) states a presumed perception threshold of 0.01 inch per second RMS, this threshold applies to groundborne vibrations from long-term operational activities, not construction. Consequently, as neither the City of Los Angeles nor the County of Los Angeles have an adopted significance threshold to assess vibration impacts during construction, the FTA and Caltrans adopted vibration standards for buildings which are referenced to evaluate potential impacts related to project construction. This analysis uses the FTA adopted vibration standards for buildings. Based on

Caltrans criteria, construction impacts relative to structural damage from groundborne vibration would be considered significant if the following thresholds were to occur as shown in Table III-15, below.

**Table III-15  
Construction Vibration Damage Criteria**

Threshold Criteria	PPV (in/sec)	Approximate RMS velocity in decibels (VdB) (re 1 micro-inch/second)
<b>Building Category</b>		
I. Reinforced-concrete, steel or timber (no plaster)	0.5	102
II. Engineered concrete and masonry (no plaster)	0.3	98
III. Non-engineered timber and masonry buildings	0.2	94
IV. Buildings extremely susceptible to vibration damage	0.12	90
<i>Source: Federal Transit Administration, Office of Planning and Environment Federal Transit Administration, <u>Transit Noise and Vibration Impact Assessment</u> (Table 12-3) May 2006.</i>		

Table III-16, Vibration Source Levels for Construction Equipment, identifies various PPV and RMS velocity (in VdB) levels for the types of construction equipment that would operate at the Project Site during construction. As shown in Table III-16, vibration velocities could range from 0.003 to 0.089 inch/sec PPV at 25 feet from the source activity, with corresponding vibration levels ranging from 58 VdB to 87 VdB at 25 feet from the source activity, depending on the type of construction equipment in use.

**Table III-16  
Vibration Source Levels for Construction Equipment**

Equipment	Approximate PPV (in/sec)					Approximate RMS (VdB)				
	25 Feet	50 Feet	60 Feet	75 Feet	100 Feet	25 Feet	50 Feet	60 Feet	75 Feet	100 Feet
Large Bulldozer	0.089	0.031	0.024	0.017	0.011	87	78	76	73	69
Caisson Drilling	0.089	0.031	0.024	0.017	0.011	87	78	76	73	69
Loaded Trucks	0.076	0.027	0.020	0.015	0.010	86	77	75	72	68
Jackhammer	0.035	0.012	0.009	0.007	0.004	79	70	68	65	61
Small Bulldozer	0.003	0.001	0.0008	0.0006	0.0004	58	49	47	44	40
<i>Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment, Final Report, 2006.</i>										

### *Structural Vibration Impacts*

In terms of construction vibration impacts on buildings, the Mayan Theater immediately adjacent to the southern portion of the Project Site, located at 1038 Hill Street and the buildings located at 214-216 W. Olympic Boulevard and 1023-1039 S. Broadway would be potentially susceptible to groundborne vibration during the construction phase. The Mayan Theater building is located to the immediate south of the Project and would have an approximate 1-foot building setback from the proposed structure. Tieback and soldier piles would be employed during excavation to protect the buildings during excavation and

foundation work. The buildings located at 214-216 W. Olympic Boulevard and 1023-1039 S. Broadway are located to the east of the Project Site, across the alley, and have an approximate 15-foot setback from the proposed structure. As shown in Table III-17, Potential Construction Vibration Calculations, construction activities would have the potential to generate an approximate PPV of up to 0.156 PPV (in/sec) for the adjacent structures located east of the alley (214-216 W. Olympic Boulevard and 1023-1039 S. Broadway) and up to 3.070 PPV (in/sec) at the Mayan Theater building, which would exceed the threshold for potential for building damage. While this estimate is indicative that an impact may occur, vibration impacts can be reduced by controlled construction methods and careful selection and use of heavy equipment on-site. Accordingly, precautionary measures would need to be employed during the construction process to ensure building damage does not occur. Mitigation Measure N-7, below, is therefore recommended to ensure potential structural vibration impacts are mitigated to a less than significant level.

**Table III-17  
Potential Construction Vibration Impact Calculations**

<b>Buildings</b>	<b>Equipment</b>	<b>Distance to Construction (feet)</b>	<b>PPV at 25 Feet (Inches/Second)</b>	<b>Maximum Vibration Levels during Construction (PPV in/sec)</b>
Mayan Theater	Large bulldozer	1	0.089	3.070
	Caisson drilling	1	0.089	3.070
	Loaded trucks	1	0.076	2.621
	Small Bulldozer	1	0.003	0.103
214-216 W. Olympic Blvd.	Large bulldozer	15	0.089	0.156
	Caisson drilling	15	0.089	0.156
	Loaded trucks	15	0.076	0.133
	Small Bulldozer	15	0.003	0.005
1023-1039 S. Broadway	Large bulldozer	15	0.089	0.156
	Caisson drilling	15	0.089	0.156
	Loaded trucks	15	0.076	0.133
	Small Bulldozer	15	0.003	0.005

*Source: Parker Environmental Consultants, See Appendix G to this IS/MND for calculation worksheets.*

Moreover, protection against damage to adjacent structures is provided by existing law. Both the California Civil Code and the Los Angeles Municipal Code (“LAMC”) impose affirmative obligations on excavating landowners to protect against damage to adjacent structures. Civil Code Section 832 requires that excavating owners give notice of the excavation to owners of adjoining lands and buildings, use ordinary care and skill and take reasonable precautions to sustain adjoining land. Civil Code Section 832 imposes additional obligations on owners excavating deeper than nine feet. LAMC Section 91.3307

requires that adjoining public and private property, including without limitation footings and foundations, be protected from damage during construction.

### **Mitigation Measures:**

#### **N-7 Temporary Groundborne Vibration Impacts**

- All new construction work shall be performed so as not to adversely affect the structural integrity of the adjacent buildings. Prior to commencement of construction, the applicant shall retain a qualified structural engineer to survey the existing foundations and structures of the adjacent buildings, and provide a plan to protect them from potential damage. The performance standards of the structure monitoring plan shall including the following:
  - a) Documentation shall consist of video and/or photographic documentation of accessible and visible areas on the exterior and select interior facades of the buildings. A registered structural engineer 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 adjacent structures from construction-related damage.
  - b) 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.
  - c) In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant and, if warranted, in a manner that meets the Secretary of the Interior's Standards.
  - d) The structure monitoring program and initial survey documentation shall be submitted to the Department of Building and Safety and received into the case file for the associated discretionary action permitting the project prior to construction.

### ***Operation***

The Proposed Project is a mixed-use development and would not involve the use of stationary equipment that would result in high vibration levels. Although groundborne vibration at the Project Site and immediate vicinity may currently result from heavy-duty vehicular travel (e.g., refuse trucks and transit buses) along Hill Street and Olympic Boulevard, the proposed land uses would not result in a substantial increase in the use of these heavy-duty vehicles on the public roadways. While refuse trucks would be used for the removal of solid waste at the Project Site, the collection of refuse would occur within the enclosed parking structure which would effectively attenuate groundborne vibration and noise impacts. As such, vibration impacts associated with operation of the Proposed Project would be less than significant.

**c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Potentially Significant Unless Mitigation Incorporated.** A significant impact may occur if the Proposed Project were to result in a substantial permanent increase in ambient noise levels above existing ambient noise levels without the Proposed Project. As defined in the *L.A. CEQA Thresholds Guide* for operational noise impacts, a project would normally have a significant impact on noise levels from Proposed Project operations if the Proposed Project causes the ambient noise level measured at the property line of affected uses that are shown in Table III-18, Community Noise Exposure (CNEL), to increase by 3 dBA in CNEL to or within the “normally unacceptable” or “clearly unacceptable” category, or any 5 dBA or greater noise increase.

**Table III-18  
Community Noise Exposure (CNEL)**

Land Use	Normally Acceptable <sup>a</sup>	Conditionally Acceptable <sup>b</sup>	Normally Unacceptable <sup>c</sup>	Clearly Unacceptable <sup>d</sup>
Single-family, Duplex, Mobile Homes	50 - 60	55 - 70	70 - 75	above 75
Multi-Family Homes	50 - 65	60 - 70	70 - 75	above 75
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 - 70	60 - 70	70 - 80	above 80
Transient Lodging – Motels, Hotels	50 - 65	60 - 70	70 - 80	above 75
Auditoriums, Concert Halls, Amphitheaters	---	50 - 70	---	above 70
Sports Arena, Outdoor Spectator Sports	---	50 - 75	---	above 75
Playgrounds, Neighborhood Parks	50 - 70	---	67 - 75	above 75
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 - 75	---	70 - 80	above 80
Office Buildings, Business and Professional Commercial	50 - 70	67 - 77	above 75	---
Industrial, Manufacturing, Utilities, Agriculture	50 - 75	70 - 80	above 75	---

<sup>a</sup> *Normally Acceptable:* Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.

<sup>b</sup> *Conditionally Acceptable:* New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

<sup>c</sup> *Normally Unacceptable:* New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

<sup>d</sup> *Clearly Unacceptable:* New construction or development should generally not be undertaken.

Source: Office of Planning and Research, State of California General Plan Guidelines, October 2003 (in coordination with the California Department of Health Services); City of Los Angeles, General Plan Noise Element, adopted February 1999.

Thus, a significant impact would occur if noise levels associated with operation of the Proposed Project would increase the ambient noise levels by 3 dBA CNEL at homes where the resulting noise level would be at least 70 dBA CNEL. In addition, any long-term increase of 5 dBA CNEL or more is considered to cause a significant impact. Generally, in order to achieve a 3 dBA CNEL increase in ambient noise from traffic, the volume on any given roadway would need to double. In addition to analyzing potential impacts in terms of CNEL, the analysis also addresses increases in on-site noise sources per the provisions of the LAMC, which establishes a  $L_{eq}$  standard of 5 dBA over ambient conditions as constituting a LAMC violation.

## **Operational Noise**

### *Stationary Noise Sources*

New stationary sources of noise, such as mechanical HVAC equipment would be installed for the proposed residences at the Project Site. As discussed in Question XII(a) above, the design of this equipment would be required to comply with LAMC Section 112.02, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than five decibels.

Based on estimated A-weighted noise ratings published for standard HVAC equipment,<sup>51</sup> noise levels from rooftop mounted HVAC equipment would be expected to range from 69 dBA Leq to 74 dBA Leq at the source. Based on the approximate distances to the nearby sensitive receptors, and an approximate -3 dBA attenuation factor for Code-required mechanical screening, the estimated noise levels at nearby sensitive receptors would range from 34.23 dBA Leq to 47.91 dBA Leq (see Table III-19, below), which would be below the 5-dBA threshold for a significant impact to occur. Therefore, the rooftop HVAC noise levels from the Proposed Project would not exceed the ambient noise levels by more than 5 dBA and would therefore meet the noise ordinance. This impact would be less than significant.

### *5<sup>th</sup> Level Amenity Deck Noise*

An amenity deck would be located on the 5<sup>th</sup> floor which would provide a pool deck, sports court, barbecue area, dog run, bocce courts, washroom and sauna, gaming areas, tables, fire pit areas, and dining areas. The intended use of the amenity deck and outdoor courtyards would be to have the residents and guests to lounge outside and utilize the available amenities. There is no objective criteria for analyzing unamplified human voices. The only applicable criteria the LAMC code provides is that the Proposed Project shall adhere to LAMC Section 116.01, which states that it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any

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<sup>51</sup> Carrier Corporation, Product Data Sheet for 25HBC5 Base 15 Heat Pump with Puron Refrigerant (1 ½ to 5 Nominal Tons).

reasonable person of normal sensitiveness residing in the area. It is not expected that the intended use (i.e. only up to a few people having a conversation, relaxing or enjoying the outdoors) would violate the prohibition of “loud, unnecessary and unusual noise” criteria. It is anticipated that there would not be any amplified music or speakers on the amenity deck.

Based on the size of the courtyards and the type of amenities provided, it is anticipated that these areas could accommodate up to 200 people for casual outdoor gatherings and utilizing all portions of the amenities. For purposes of estimating noise from people congregating in the outdoor courtyards, reference noise levels of 65 dBA and 62 dBA ( $L_{eq}$  at a distance of 3.3 feet) for a male and a female speaking in a raised voice, respectively, were used to analyze noise from the use of the outdoor courtyard areas. Assuming 200 individuals occupy these spaces at one time and up to 50 percent of the people (half of which would be male and the other half female) would be talking at the same time, the noise levels from activities on the outdoor courtyards would be approximately 83.75 dBA  $L_{eq}$ .<sup>52</sup> The amenity deck would be bounded by glass railings on all sides. As such, noise generated by crowd activity in the courtyards would be attenuated by the surrounding glass railings and the façade of the 55-story residential tower. Assuming an approximate 3-dBA attenuation is provided by the glass railings and 5 dBA absorption/attenuation for the tower and building facade, the noise levels for the surroundings sensitive receptors would reach a maximum of 68.67 dBA for the proposed residential building to the north, (see Table III-19, below). As noise levels from the courtyard activities would not exceed the 5-dBA threshold at the sensitive receptors, outdoor activity noise levels would be less than significant. Therefore, noise impacts associated with operational activities from the outdoor courtyards would be less than significant.

#### *Loading Dock/Trash Collection Noise*

The loading entrance for refuse trucks to enter the Project Site would be located along Olympic Boulevard on the northeast corner of the Project Site. The Proposed Project includes an enclosed area within the parking structure for refuse and recycling collection that would block the line of site to surrounding sensitive receptors. Noise from loading and trash collection would be temporary and occur only a few times a week. Additionally, the noise levels would be insulated within the ground level parking structure, which would result in a less than significant noise impact to surrounding sensitive receptors.

#### *Parking Noise*

Current vehicular access to the surface parking lot is provided by two ingress/egress driveways: one along Hill Street and one along Olympic Boulevard. An additional entrance-only driveway is located along Hill Street. The Proposed Project would retain one ingress/egress driveway along Hill Street and would be adding a vehicle driveway along the adjacent alleyway to provide access to the subterranean parking areas of the Proposed Project. An additional valet drop-off area would be located at the alleyway on the northeast portion of the Project Site along Blackstone Court. Activities within the designated parking structure areas associated with the Proposed Project would have the potential to increase ambient noise

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<sup>52</sup> Cyril M. Harris, *Handbook of Acoustical Measurements and Noise Control, Third Edition, 1991.*

levels in the area. Sources of noise within the parking areas would include engines accelerating, doors slamming, car alarms, and people talking. Noise levels within the parking areas would fluctuate with the amount of automobile and human activity. Noise levels associated with the residential parking levels would be highest in the early morning and evening when the largest number of people would enter and exit the Project Site. In addition, operational-related noise generated by motor driven vehicles within the Project Site is regulated under the LAMC. Specifically, with regard to motor driven vehicles, LAMC Section 114.02 prohibits the operation of any motor driven vehicles upon any property within the City such that the created noise would cause the noise level on the premises of any occupied residential property to exceed the ambient noise level by more than 5 dBA. The Department of City Planning recommends the driveway ramps be constructed of noise-attenuating materials such as concrete surfaces. With implementation of Mitigation Measure N-8, noise impacts associated with the Proposed Project’s parking garage would ensure operational noise impacts are reduced to less than significant.

**Mitigation Measure:**

**N-8 Increased Noise Levels (Parking Structure Ramps)**

- Concrete, not metal, shall be used for construction of parking ramps.
- The interior ramps shall be textured to prevent tire squeal at turning areas.

*Composite Noise Levels*

On-site noise sources associated with the Proposed Project would include mechanical HVAC equipment and outdoor amenity activities. Since loading and parking noise would be completely enclosed, noise levels from these areas would not significantly increase ambient noise levels. Composite noise levels were estimated to analyze the impact from the combination of all on-site noise sources from the Project Site to the surrounding sensitive receptors. Table III-19, Estimated Operational Noise Levels and Composite Noise Levels, shows the noise levels from all on-site sources and estimates the total composite noise levels at the surrounding sensitive receptors from the Project Site. When analyzed together, the Proposed Project would have a maximum noise level of 74.52 dBA Leq for Sensitive Receptor No. 1, the proposed residential building to the north. This analysis is conservative since these noise levels represent the maximum capacities in the amenity deck. Therefore, the Proposed Project would not increase ambient noise levels by 5 dB, and a less than significant impact would occur.

**Table III-19  
Estimated Operational Noise Levels and Composite Noise Levels**

<b>SR ID<sup>a</sup></b>	<b>Ambient Noise Level</b>	<b>5<sup>th</sup> Level Amenity Deck Noise Level</b>	<b>HVAC Equipment Noise Level</b>	<b>Composite Noise Level</b>	<b>Ambient + Composite Noise Level</b>	<b>Increase</b>
1	73.20	68.67	47.91	68.71	74.52	<b>1.32</b>
2	73.20	67.65	47.90	67.70	74.28	<b>1.08</b>
3	70.60	63.21	47.78	63.33	71.35	<b>0.75</b>
4	73.20	54.88	39.83	55.01	73.27	<b>0.07</b>
5	73.20	53.77	42.46	54.08	73.25	<b>0.05</b>
6	71.00	51.36	34.23	51.44	71.05	<b>0.05</b>

*Source: Calculations based on Federal Transit Administration, Transit Noise and Vibration Impact Assessment, Final Report, May 2006 and Caltrans’ Technical Noise Supplement, September 2013. See Appendix G to this IS/MND. Parker Environmental Consultants, 2018.*

*Traffic Noise*

The Proposed Project would increase traffic volumes on the surrounding roadways, which in turn has the potential to increase roadway noise. According to the *L.A. CEQA Thresholds Guide*, if a project would result in traffic that is less than double the existing traffic, then the Proposed Project’s mobile noise impacts can be assumed to be less than significant. According to the Proposed Project’s Transportation Impact Study, the proposed development would result in a net increase of 3,392 net daily vehicle trips, including 242 AM peak hour trips and 285 PM peak hour trips. For purposes of analyzing the Proposed Project’s traffic noise impacts, the roadway noise levels were modeled using the Federal Highway Administration Highway Noise Prediction Model (FHWA-RD-77-108). Traffic noise was modeled under the Existing (2017) “No Project” conditions and “Existing Plus Project” conditions to determine the environmental baseline and Project impact, respectively for seven street segments in the Project vicinity. As shown in Table III-20, the Proposed Project would increase local noise levels by a maximum of 0.4 dBA CNEL (on Hill Street between Olympic Boulevard and 11<sup>th</sup> Street) and thus would not exceed the 3-dBA CNEL threshold of significance at any of the study street segments. The remaining street intersections analyzed would all experience a 0.2 dBA CNEL increase or less.

**Table III-20  
Proposed Project Noise Impacts at Study Intersections for Existing Conditions**

Roadway Segment	Noise Levels in dBA CNEL			
	FHWA-RD-77-108 Modeled Noise Levels			Significant Impact
	Existing (2017) Without Project Traffic Volumes	Existing Plus Project Traffic Volumes	Increase	
1. Hill Street Between Olympic Blvd and 11 <sup>th</sup> St	65.4	65.8	0.4	No
2. Hill Street Between 11 <sup>th</sup> St. and 12 <sup>th</sup> St.	65.2	65.4	0.2	No
3. Hill St. Between 9 <sup>th</sup> St. and Olympic Blvd.	65.4	65.5	0.1	No
4. Olympic Blvd. Between Olive St. and Hill St.	66.1	66.2	0.1	No
5. Olympic Blvd. Between Hill St. and Broadway	65.9	66.1	0.2	No
6. 11 <sup>th</sup> St. Between Olive St. and Hill St.	61.5	61.6	0.1	No
7. 11 <sup>th</sup> St. Between Hill St. and Broadway	62.5	62.5	0.0	No

*Note: A significant impact on noise levels from project operations would occur if the project causes the ambient noise level at the property line of affected uses to increase by 3 dBA in CNEL to or within the “normally unacceptable” or “clearly unacceptable” category, or any 5 dBA or greater noise increase (see Table III-18, Community Noise Exposure (CNEL)).*  
*Calculation roadway noise levels data and results using the Federal Highway Administration Highway Noise Prediction Model (FHWA-RD-77-108) and traffic volumes are provided in Appendix G to this IS/MND.*  
*Traffic data: Fehr & Peers, Olympic and Hill Traffic Study, January 2018.*

As noted in the Project Traffic Study, traffic conditions in the project vicinity are anticipated to change by time the project is fully constructed and occupied. As such, traffic noise was also modeled under “Future (2022) Without Project” and “Future (2022) with Project” to determine the projected baseline and Project impact during the buildout year. As shown in Table III-21, the Proposed Project would not increase noise levels by more than 3 dBA for future conditions. Thus, as shown for existing conditions and projected future conditions, the Proposed Project’s mobile noise impacts would not exceed the most stringent CNEL threshold of 3 dBA set forth in the *L.A. CEQA Thresholds Guide*, and the Proposed Project’s mobile source noise impact would be less than significant.

**Table III-21  
Proposed Project Noise Impacts at Study Intersections for Future Conditions**

Roadway Segment	Noise Levels in dBA CNEL			
	FHWA-RD-77-108 Modeled Noise Levels			Significant Impact
	Future (2022) Without Project Traffic Volumes	Future (2022) With Project Traffic Volumes	Future Increase	
1. Hill Street Between Olympic Blvd & 11 <sup>th</sup> St	66.6	67.0	0.4	No
2. Hill Street Between 11 <sup>th</sup> St. and 12 <sup>th</sup> St.	66.5	66.6	0.1	No
3. Hill St. Between 9 <sup>th</sup> St. and Olympic Blvd.	66.9	67.1	0.2	No
4. Olympic Blvd. Between Olive St. and Hill St.	67.3	67.4	0.1	No
5. Olympic Blvd. Between Hill St. and Broadway	67.1	67.3	0.2	No
6. 11 <sup>th</sup> St. Between Olive St. and Hill St.	62.1	62.2	0.1	No
7. 11 <sup>th</sup> St. Between Hill St. and Broadway	63.1	63.3	0.2	No

*Note: A significant impact on noise levels from project operations would occur if the project causes the ambient noise level at the property line of affected uses to increase by 3 dBA in CNEL to or within the “normally unacceptable” or “clearly unacceptable” category, or any 5 dBA or greater noise increase (see Table III-18, Community Noise Exposure (CNEL)).*  
*Calculation roadway noise levels data and results using the Federal Highway Administration Highway Noise Prediction Model (FHWA-RD-77-108) and traffic volumes are provided in Appendix G to this IS/MND.*  
*Traffic data: Fehr & Peers, Olympic and Hill Traffic Study, January 2018.*

**d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Potentially Significant Unless Mitigation Incorporated.** A significant impact may occur if the Proposed Project were to result in a substantial temporary or periodic increase in ambient noise levels above existing ambient noise levels without the Proposed Project. As defined in the *L.A. CEQA Thresholds Guide* threshold for construction noise impacts, a significant impact would occur if construction activities lasting more than one day would increase the ambient noise levels by 10 dBA or

more at any off-site noise-sensitive location. In addition, the *L.A. CEQA Thresholds Guide* also states that construction activities lasting more than ten days in a three-month period, which would increase ambient exterior noise levels by 5 dBA or more at a noise sensitive use, would also normally result in a significant impact. As discussed above, impacts would be reduced to less than significant levels for construction vibration and operational noise with the incorporation of mitigation measures. As such, the proposed project not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project and noise impacts would be considered less than significant.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** A significant impact may occur if the Proposed Project were located within an airport land use plan and would introduce substantial new sources of noise or substantially add to existing sources of noise within or in the vicinity of the Project Site. There are no airports within a two-mile radius of the Project Site, and the Project Site is not within any airport land use plan or airport hazard zone. The closest airport is the Los Angeles International Airport (LAX), which is located approximately 12 miles southwest of the Project Site. The Proposed Project would not expose people to excessive noise levels associated with airport uses. Therefore, no impact would occur.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** This question would apply to a project only if it were in the vicinity of a private airstrip and would subject area residents and workers to a safety hazard. The Project Site is not located in the vicinity of a private airstrip. The closest private airstrip is the Bob Hope Airport, located in Burbank approximately 15 miles north of the Project Site. As no such facilities are located in the vicinity of the Project Site, no impact would occur.

### **Cumulative Impacts**

**Less Than Significant Impact.** Development of the Proposed Project in conjunction with the related projects identified in Section II, Project Description, would result in an increase in construction-related and traffic-related noise as well as on-site stationary noise sources in the already urbanized area of the City of Los Angeles. The Project Applicant has no control over the timing or sequencing of the related projects that have been identified within the Proposed Project study area and it is impossible to predict with any degree of certainty the occurrence of concurrent construction activities. Therefore, any quantitative analysis that assumes multiple, concurrent construction projects would be speculative. Construction-period noise for the Proposed Project and each related project (that has not yet been built) would be localized and mitigated on a project-by-project basis. In addition, each of the related projects would be required to comply with the City's noise ordinance, as well as mitigation measures that may be prescribed pursuant to CEQA provisions that require potentially significant impacts to be reduced with feasible mitigation. As demonstrated above, Project construction noise impacts, with the implementation

of Mitigation Measures N-1 and N-6, would result in less than significant impacts. As such, the Project’s construction noise impact would not be cumulatively considerable. Additionally, because each related project would be required to comply with the City’s noise ordinance, cumulative impacts associated with construction noise would be mitigated to less than significant levels.

For purposes of analyzing the Proposed Project’s cumulative traffic noise impacts, the roadway noise levels were modeled using the Federal Highway Administration Highway Noise Prediction Model (FHWA-RD-77-108). Traffic noise was modeled under the Future (2022) base year conditions without the Project and “Future Plus Project” conditions to determine the Project’s incremental cumulative roadway noise impacts, respectively. As shown in Table III-22, Cumulative Roadway Noise Impacts, the Proposed Project’s contribution to future cumulative noise levels would result in a maximum increase of 1.7 dBA CNEL (on Hill Street between 9<sup>th</sup> Street and Olympic Boulevard) and thus would not exceed the 3-dBA CNEL threshold of significance at any of the study street segments. The remaining street intersections analyzed would all experience an increase of 1.6 dBA CNEL increase or less. Thus, the Proposed Project’s mobile noise impacts would not exceed the CNEL threshold of 3 dBA set forth in the *L.A. CEQA Thresholds Guide*, and the Proposed Project’s cumulative mobile source noise impact would be less than significant.

**Table III-22  
Cumulative Noise Impacts at Study Intersections**

Roadway Segment	Noise Levels in dBA CNEL			
	FHWA-RD-77-108 Modeled Noise Levels			Significant Impact
	Existing (2017) Without Project Traffic Volumes	Future (2022) With Project Traffic Volumes	Cumulative Impact	
1. Hill Street Between Olympic Blvd & 11 <sup>th</sup> St	65.4	67.0	1.6	No
2. Hill Street Between 11 <sup>th</sup> St. and 12 <sup>th</sup> St.	65.2	66.6	1.4	No
3. Hill St. Between 9 <sup>th</sup> St. and Olympic Blvd.	65.4	67.1	1.7	No
4. Olympic Blvd. Between Olive St. and Hill St.	66.1	67.4	1.3	No
5. Olympic Blvd. Between Hill St. and Broadway	65.9	67.3	1.4	No
6. 11 <sup>th</sup> St. Between Olive St. and Hill St.	61.5	62.2	0.7	No
7. 11 <sup>th</sup> St. Between Hill St. and Broadway	62.5	63.3	0.8	No

*Note: A significant impact on noise levels from project operations would occur if the project causes the ambient noise level at the property line of affected uses to increase by 3 dBA in CNEL to or within the “normally unacceptable” or “clearly unacceptable” category, or any 5 dBA or greater noise increase (see Table III-18, Community Noise Exposure (CNEL)).*  
*Calculation roadway noise levels data and results using the Federal Highway Administration Highway Noise Prediction Model (FHWA-RD-77-108) and traffic volumes are provided in Appendix G to this IS/MND.*  
*Traffic data: Fehr & Peers, Olympic and Hill Traffic Study, January 2018.*

### XIII. POPULATION AND HOUSING

- a) **Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

**Less Than Significant Impact.** A significant impact may occur if the proposed project would locate new development such as homes, businesses, or infrastructure, with the effect of substantially inducing growth in the proposed area that would otherwise not have occurred as rapidly or in as great a magnitude. Based on the *L.A. CEQA Thresholds Guide*, the determination of whether the project results in a significant impact on population and housing growth shall be made considering: (a) the degree to which a project would cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds projected/planned levels for the year of project occupancy/buildout, and that would result in an adverse physical change in the environment; (b) whether the project would introduce unplanned infrastructure that was not previously evaluated in the adopted Community Plan or General Plan; and (c) the extent to which growth would occur without implementation of the project.

In October 2008, SCAG approved and adopted the “2008 Regional Comprehensive Plan for the SCAG Region – Helping Communities Achieve A Sustainable Future” (2008 RCP). The 2008 RCP is a long-term comprehensive plan that provides a strategic vision for handling the region’s land use, housing, economic, transportation, environmental, and overall quality of life needs. The 2008 RCP is intended to serve as an advisory document for local agencies in the SCAG region. The following vision statement and guiding principles are based on the region’s adopted Compass Growth Vision Principles for Sustaining a Livable Region. These statements further articulate how the RCP can promote and sustain the region’s mobility, livability, and prosperity for future generations.

#### *RCP Vision*

*To foster a Southern California region that addresses future needs while recognizing the interrelationship between economic prosperity, natural resource sustainability, and quality of life. Through measured performance and tangible outcomes, the RCP serves as both a voluntary action plan with short-term guidance and strategic, long-term initiatives that are guided by the following Guiding Principles for sustaining a livable region.*

#### *RCP Guiding Principles*

1. *Improve mobility for all residents.* Improve the efficiency of the transportation system by strategically adding new travel choices to enhance system connectivity in concert with land use decisions and environmental objectives.
2. *Foster livability in all communities.* Foster safe, healthy, walkable communities with diverse services, strong civic participation, affordable housing and equal distribution of environmental benefits.

3. *Enable prosperity for all people.* Promote economic vitality and new economies by providing housing, education, and job training opportunities for all people.
4. *Promote sustainability for future generations.* Promote a region where quality of life and economic prosperity for future generations are supported by the sustainable use of natural resources.

### ***Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)***

On April 7, 2016, SCAG's Regional Council adopted the 2016 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS): A Plan for Mobility, Accessibility, Sustainability, and a High Quality of Life. The 2016 RTP/SCS is the culmination of a multi-year effort involving stakeholders from across the SCAG Region. The 2016 RTP/SCS balances the Southern California region's future mobility and housing needs with economic, environmental, and public health goals.

Based on the regional growth projections in the 2016 RTP/SCS, the City of Los Angeles had an estimated permanent population of approximately 3,845,500 persons and approximately 1,325,500 residences in 2012. By the year 2040, SCAG forecasts that the City of Los Angeles will increase to 4,609,400 persons (or a 20% increase since the year 2012) and approximately 1,690,300 residences (or a 28% increase since the year 2012). SCAG's population and housing projections for the City of Los Angeles, Los Angeles County, and the SCAG region as a whole for 2012 and 2040 are further summarized in Table III-23, below.

On a policy level, the Proposed Project is consistent with the goals and strategies of the RCP and the Compass Growth Vision Strategy discussed above, as the Proposed Project would revitalize an underutilized, developed property in an existing commercial area. The Proposed Project is an infill development project within the Central City Community Plan Area within the City of Los Angeles. With respect to regional growth forecasts, SCAG forecasts the City of Los Angeles Subregion will experience a population increase to 4.6 million persons by 2040. As shown in Table III-23, SCAG population and housing projections from 2012 through 2040 envisions a population growth of 763,900 additional persons (an approximate 20% growth rate) in the City of Los Angeles and 3,816,000 additional persons (an approximate 21% growth rate) in the entire SCAG Region. The number of households within the City of Los Angeles is anticipated to increase by 364,800 households, or approximately 28% between 2012 and 2040. The number of households within the SCAG Region is anticipated to increase by 1,527,000 households, or approximately 26% between 2012 and 2040. The number of employment opportunities is anticipated to increase by 472,700 jobs (approximately 28%) in the City of Los Angeles between 2012 and 2040, and the SCAG Region is anticipated to increase by 2,432,000 jobs (approximately 33%) between 2012 and 2040.

Based on the community's current household demographics (e.g., an average of 1.68 persons per multi-family household for the Central City Community Plan area ("Central City CPA")), the construction of 700 additional residential dwelling units would result in an increase in approximately 1,176 net

permanent residents in the City of Los Angeles.<sup>53</sup> Further, the Proposed Project includes approximately

**Table III-23  
SCAG Population and Housing Projections for the  
City of Los Angeles, Los Angeles County, and the SCAG Region**

<b>Population</b>			
<b>Region</b>	<b>2012</b>	<b>2040</b>	<b>% Growth (2012-2040)</b>
Los Angeles City <sup>a</sup>	3,845,500	4,609,400	20%
Los Angeles County <sup>b</sup>	9,923,000	11,514,000	16%
SCAG Region <sup>b</sup>	18,322,000	22,138,000	21%
<b>Households</b>			
<b>Region</b>	<b>2012</b>	<b>2040</b>	<b>% Growth (2012-2040)</b>
Los Angeles City <sup>a</sup>	1,325,500	1,690,300	28%
Los Angeles County <sup>b</sup>	3,257,000	3,946,000	21%
SCAG Region <sup>b</sup>	5,885,000	7,412,000	26%
<b>Employment</b>			
<b>Region</b>	<b>2012</b>	<b>2040</b>	<b>% Growth (2012-2040)</b>
Los Angeles City <sup>a</sup>	1,696,400	2,169,100	28%
Los Angeles County <sup>b</sup>	4,246,000	5,226,000	23%
SCAG Region <sup>b</sup>	7,440,000	9,872,000	33%
<i>Source: SCAG, adopted 2016 RTP/SCS Growth Forecast, Demographics and Growth Forecast Appendix, adopted April 2016.</i>			

15,000 square feet of ground-floor restaurant/retail space. The Proposed Project would generate the need of approximately 72 employees.<sup>54</sup> The proposed increase in housing units and population would be consistent with SCAG's forecast of 364,800 additional households, approximately 763,900 persons, and 472,700 jobs in the City of Los Angeles between 2012 and 2040. As such, the Proposed Project would not cause growth (i.e., new housing) or accelerate development in an undeveloped area that exceeds projected/planned levels for the year of Proposed Project occupancy/buildout or that would result in an adverse physical change in the environment. Refer to Table III-24, below.

<sup>53</sup> *The 2015 Growth & Infrastructure Report estimates that the Central City Community Plan area had approximately 30,440 housing units and approximately 51,025 persons in July 1, 2015. Based on this information, the Central City Community Plan area has an average person per housing unit ratio of 1.68. See City of Los Angeles, Department of City Planning, 2015 Growth and Infrastructure Report, 2016 (at p. 9 and 11).*

<sup>54</sup> *One employee would occupy approximately 588 square feet of retail space and one employee per 143 square feet of restaurant space. Source: United States Green Building Council, Building Area Per Employee by Business Type, May 13, 2008.*

**Table III-24  
Estimated Proposed Project Residents and Housing Growth**

Use	Total Housing Units	Total Residents
Apartments	700	1,176
<b>TOTAL:</b>	<b>700</b>	<b>1,176</b>
<i>Source: Based on the City of Los Angeles, Department of City Planning, 2015 Growth and Infrastructure Report, 2016 (at p. 9 and 11), the Central City Community Plan area has an average person per housing unit ratio of 1.68. Parker Environmental Consultants, 2017.</i>		

As shown in Table III-25, Proposed Project Employment Growth, the Proposed Project’s restaurant/retail component would generate the need for approximately 72 new employees. When considering the existing uses on-site, the development of the Proposed Project would decrease the number of employees in the area. Thus, the resulting employment of the Proposed Project would within SCAG’s employment growth forecast. The additional employees generated by the Proposed Project would contribute to a fraction of 1 percent of SCAG’s employment growth forecast for the City of Los Angeles. The Proposed Project’s commercial component may result in indirect population growth with new employees relocating to the City of Los Angeles. However, it can be assumed that most of the employees generated by the Proposed Project would already reside within the City of Los Angeles. The new 72 employees would be consistent with SCAG’s growth projections for the Los Angeles region. Therefore, impacts related to indirect population growth in the area would be less than significant.

**Table III-25  
Estimated Proposed Project Employment Growth**

Use	Amount	Employment Generation Factor <sup>a</sup>	Number of Employees
<b>Proposed Project</b>			
Retail	7,000 sf	1 employee / 588 sf	12
Restaurant	8,000 sf	1 employee / 134 sf	60
<b>NET TOTAL Employment:</b>			<b>72</b>
<i>Notes:</i> <ul style="list-style-type: none"> <li>The employee generation factor for existing and future uses were taken from the United States Green Building Code, Building Area per Employee by Business Type, May 13, 2008. Parker Environmental Consultants, 2017.</li> </ul>			

**b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

**No Impact.** A significant impact may occur if the Proposed Project would result in the displacement of existing housing units, necessitating the construction of replacement housing elsewhere. The Project Site is developed with a surface parking lot. No residential units exist on-site. As such, the Proposed Project would not displace any existing housing. Therefore, no impact would occur.

**c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

**No Impact.** The Project Site is developed with a surface parking lot. No residential units exist on-site. Therefore, development of the Proposed Project would not displace any residents, since none exist on-site. Therefore, no impact would occur.

**Cumulative Impacts**

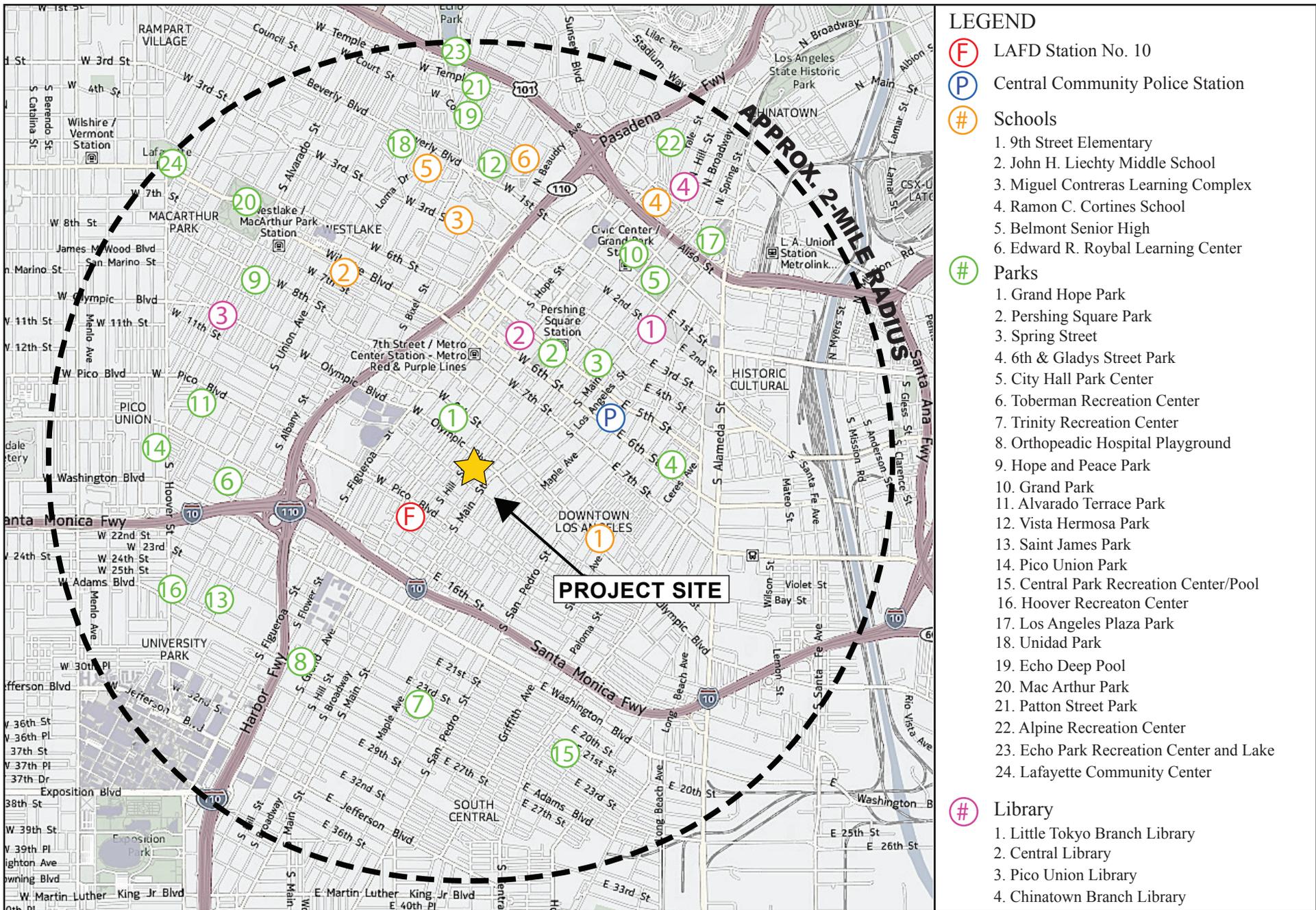
**Less Than Significant Impact.** The related projects would introduce additional residential related uses to the Project Site area. Any residential related projects would result in direct population growth in the Project Site area.

As discussed in Question XIII(a), the Proposed Project would not exceed the growth projections of SCAG's 2016 RTP/SCS for the City of Los Angeles subregion. Because the Proposed Project would not displace any residents, and population growth potentially associated with the Proposed Project has already been anticipated per SCAG projections, the Proposed Project's population growth would not be cumulatively considerable. Therefore, the Proposed Project's cumulative impacts to population and housing would be less than significant.

With respect to population growth from permanent employment, jobs in restaurant/retail land uses typically do not generate substantial population growth within the region. As such, jobs are generally filled by residents that already reside within close proximity to those jobs. Further, residential neighborhoods would be supportive and complementary to the proposed commercial land uses. As such, the related projects would not generate substantial indirect population growth or demand for new housing, and a less than significant impact would occur.

**XIV. PUBLIC SERVICES**

The location of public services (including fire services, police protection services, parks, and libraries) in the Project vicinity and that service the Project Site are shown in Figure III-2, below.



Source: Google Maps, 2017.

a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objective for any of the following public services:**

(i) **Fire protection?**

**Less Than Significant Impact.**

Construction of the Proposed Project would increase the potential for accidental on-site fires from the operation of construction equipment and the use of flammable construction materials. The implementation of best management practices (BMPs) for the operation of mechanical equipment and the use of flammable construction materials by construction contractors and work crews would minimize fire hazards associated with the construction of the Proposed Project. The BMPs that would be implemented during construction of the Proposed Project would include: keeping mechanical equipment in good operating condition, and as required by law, carefully storing flammable materials in appropriate containers, and the immediate and complete cleanup of spills of flammable materials when they occur.

Construction activities also have the potential to affect fire protection services, such as emergency vehicle response times, by adding construction traffic to the street network and potentially requiring partial lane closures during street improvements and utility installations. Thus, construction could have the potential to adversely affect fire access. However, these impacts are considered to be less than significant because emergency access would be maintained to the Project Site and surrounding vicinity during construction through marked emergency access points approved by the LAFD, construction impacts are temporary in nature and do not cause lasting effects, and no complete lane closures are anticipated. Additionally, if any partial street closures are required, flagmen would be used to facilitate the traffic flow until construction is complete. Construction of the Proposed Project would result in a less than significant impact.

***Operation***

Based on the *L.A. CEQA Thresholds Guide*, a project would normally have a significant impact on fire protection if it requires the addition of a new fire station or the expansion, consolidation or relocation of an existing facility to maintain service that would result in a physical adverse impact upon the environment.

The City of Los Angeles Fire Department (LAFD) considers fire protection services for a project adequate if a project is within the maximum response distance for the land use proposed. Pursuant to LAMC Section 57.507.3.3, the maximum response distance between high density residential and commercial land uses and a LAFD fire station that houses an engine company or a truck company is 1.5 miles or two miles, respectively. If the distance is exceeded, all structures located in the applicable high density residential or commercial area would be required to install automatic fire sprinkler systems. With such systems installed, fire protection would be considered adequate even if the Proposed Project is located beyond the maximum response distance. Although the Proposed Project is within the adequate

response distance, the Proposed Project would install a fire sprinkler system to ensure safety from any fire hazards that may occur within the building.

According to the LAFD, minimum fire flow requirement for the Proposed Project is 6,000 gallons per minute (gpm) from six adjacent hydrants flowing simultaneously. A Service Advisory Request/Fire Service Pressure Flow Report (SAR) was prepared for the Proposed Project by the Department of Water and Power (LADWP) and was approved on May 1, 2017. Based on the approval of the SAR, fire flow requirements would be considered adequate at the Project Site. Development of the Proposed Project would result in a less than significant impact to fire flow requirements.

The Proposed Project would include up to 700 dwelling units and up to 15,000 square feet of ground floor retail/restaurant and would generate approximately 1,176 new residents and 72 employees.<sup>55</sup> The Proposed Project would increase the utilization of the Project Site, which is currently used as a surface parking lot and would potentially increase the demand for LAFD services. The Project Site is served by LAFD Station No. 10, located at 1335 S. Olive Street, approximately 0.6 miles south of the Project Site. Based on the response distance criteria specified in LAMC 57.09.07A and the relatively short distance from Fire Station No. 10 to the Project Site, fire protection response would be considered adequate. The Proposed Project would work with LAFD and incorporate LAFD's recommendations relative to fire safety into the building plans. As part of the normal building permit process, the Project Applicant would submit a plot plan for review and approval by the LAFD either prior to 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. Thus, compliance with regulatory compliance measures regarding fire protection and safety would ensure that any impacts upon fire services created by the Proposed Project would be less than significant.

### **Cumulative Impacts**

**Less Than Significant Impact.** The Proposed Project, in combination with the related projects, could increase the demand for fire protection services in the Project area. Specifically, there could be increased demands for additional LAFD staffing, equipment, and facilities over time. Over time, LAFD would continue to monitor population growth and land development throughout the City and identify additional resource needs including staffing, equipment, trucks and engines, ambulances, other special apparatuses, and possibly station expansions or new station construction that may become necessary to achieve the desired level of service. Through the City's regular budgeting efforts, LAFD's resource needs would be identified and monies allocated according to the priorities at the time. Similar to the Proposed Project, each of the related projects would be individually subject to LAFD review and would be required to comply with all applicable fire safety requirements of the LAFD in order to adequately mitigate fire protection impacts. Specifically, any related project that exceeded the applicable response distance standards described above would be required to install automatic fire sprinkler systems in order to mitigate the additional response distance. To the extent cumulative development causes the need for

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<sup>55</sup> *A residential generation rate of 1.53 used. An employee rate of 588 square feet per employee used.*

additional fire stations to be built throughout the City, the development of such stations would be on small infill lots within existing developed areas and would not likely cause a significant impact upon the environment. Nevertheless, the siting and development of any new fire stations would be subject to further CEQA review and evaluated on a case-by-case basis. However, as the LAFD does not currently have any plans for new fire stations to be developed in proximity to the Project Site, no impacts are currently anticipated to occur. On this basis, the Proposed Project would not make a cumulatively considerable impact to fire protection services, and, as such cumulative impacts on fire protection would be less than significant.

**(ii) Police Protection?**

**Potentially Significant Impact Unless Mitigated.** A significant impact may occur if the City of Los Angeles Police Department (LAPD) could not adequately serve a project, necessitating a new or physically altered station that would result in a physical adverse impact upon the environment.

The Proposed Project would include up to 700 dwelling units and up to 15,000 square feet of ground floor retail/restaurant and would generate approximately 1,176 new residents and 72 employees. The Proposed Project would increase the utilization of the Project Site, which is currently used as surface parking and would potentially increase the demand for LAPD services. The Project Site is located in the Central Area division of the LAPD's Central Bureau. The Project Site is served by the Central Community Police Station, located at 251 E. 6<sup>th</sup> Street, which is approximately 0.8 miles northeast of the Project Site. Table III-26, Central Area Police Station Crime Statistics, provides crime statistics for Central City area in the City of Los Angeles from 2014 to 2016.

**Table III-26  
Central Area Police Station Crime Statistics**

<b>Crimes <sup>a</sup></b>	<b>2016</b>	<b>2015</b>	<b>2014</b>
<i>Violent Crimes</i>			
Homicide	11	11	6
Rape	122	129	94
Robbery	680	688	478
Aggravated Assault	889	952	555
<b>Total Violent Crimes</b>	<b>1702</b>	<b>1780</b>	<b>1133</b>
<i>Property Crimes</i>			
Burglary	312	350	244
Motor Vehicle Theft	397	427	248
BTFV	1091	912	755
Personal / Other Theft	2577	2566	2035
<b>Total Property Crimes</b>	<b>4377</b>	<b>4255</b>	<b>3282</b>
<b>Total Part 1 Crimes</b>	<b>6079</b>	<b>6035</b>	<b>4415</b>
Child / Spousal Abuse (Part I & II) <sup>b</sup>	622	545	484
Shots Fired	38	32	17
Shooting Victims	24	20	11
<i>Notes:</i>			
<sup>a</sup> Crime Statistics for the following years ending December 31.			
<sup>b</sup> Part II Child/Spousal Abuse Simple Assaults not included in Part I Aggravated Assaults above to comply with the FBI's Uniform Crime Reporting guidelines.			
Source: LAPD, COMPSTAT Unit, Central City Area Profile, accessed March 2017.			

Construction sites, if left unsecured, have the potential to attract trespassers and/or vandals that would potentially result in graffiti, excess trash, and potentially unsafe conditions for the public. Such occurrences would adversely affect the aesthetic character of the Project Site and surrounding area and could potentially cause public health and safety concerns. The Proposed Project would incorporate temporary construction fencing along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area. With implementation of Mitigation Measure PS-1 below, Project impacts would be less than significant during the construction period.

The development of the Proposed Project would result in an increase of on-site residents, visitors, patrons, and employees to the Project Site, thereby generating a potential increase in the number of service calls from the Project Site. Responses to thefts, vehicle burglaries, vehicle damage, traffic-related incidents, and crimes against persons may escalate as a result of the increased on-site activity and increased traffic on adjacent streets and arterials. The Proposed Project would include adequate and strategically positioned functional and security lighting to enhance public safety. Visually obstructed and infrequently accessed “dead zones” would be limited and, where possible, security controlled to limit public access. The building and layout design of the Proposed Project would also include crime prevention features, such as nighttime security lighting and secure parking facilities. In addition, the continuous visible and non-visible presence of residents at all times of the day would provide a sense of security during evening and early morning hours. As such, the Project guests and employees would be able to monitor suspicious activity at the building entry points (refer to Mitigation Measure PS-2, below). With implementation of Mitigation Measure PS-2, the Proposed Project’s impacts to LAPD Services would be less than significant.

### **Mitigation Measures:**

#### **PS-1 Public Services (Police – Demolition/Construction Sites)**

- Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

#### **PS-2 Public Services (Police)**

- The plans shall incorporate the design features (outlined in LAPD’s “Design Out Crime Guidelines: Crime Prevention Through Environmental Design”) 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. 1<sup>st</sup> 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.

### Cumulative Impacts

**Less Than Significant Impact.** The Proposed Project, in combination with the related projects, would increase the demand for police protection services in the Project area. Specifically, there would be an increased demand for additional LAPD staffing, equipment, and facilities over time. This need would be funded via existing mechanisms (e.g., sales taxes, government funding, and developer fees), to which the Proposed Project and related projects would contribute. In addition, each of the related projects would be individually subject to LAPD review and would be required to comply with all applicable safety requirements of the LAPD and the City of Los Angeles in order to adequately address police protection service demands. Furthermore, each of the related projects would likely install and/or incorporate adequate crime prevention design features in consultation with the LAPD, as necessary, to further decrease the demand for police protection services. To the extent cumulative development causes the need for additional police stations to be built throughout the City, the development of such stations would be on small infill lots within existing developed areas and would not likely cause a significant impact upon the environment. Nevertheless, the siting and development of any new police stations would be subject to further CEQA review and evaluated on a case-by-case basis. However, as the LAPD does not currently have any plans for new police stations to be developed in proximity to the Project Site. No impacts are currently anticipated to occur. On this basis, the Proposed Project would not make a cumulatively considerable impact to police protection services, and cumulative impacts on police protection would be less than significant.

#### (iii) Schools?

**Less Than Significant Impact.** A significant impact may occur if a project includes substantial employment or population growth, which could generate a demand for school facilities that would exceed the capacity of the Los Angeles Unified School District (LAUSD). The Project Site is located in LAUSD Board District 2. The Project Site is currently served by one elementary school, one middle school, and four high schools. Table III-27, Resident Schools Serving the Project Site, details the names, grades served, and location of each school.

**Table III-27  
Resident Schools Serving the Project Site**

School Name	Grades	Address
9 <sup>th</sup> Street Elementary	K-5	835 Stanford Avenue
John H. Liechty Middle School	6-8	650 S. Union Avenue
Miguel Contreras Learning Complex School (includes: Academic Leadership Community, School of Business and Tourism, School of Social Justice, and School of Global Studies)	9-12	322 S. Lucas Avenue
Ramon C Cortines School of Visual & Performing Arts	9-12	450 N. Grand Avenue
Belmont Senior High School	9-12	1575 W. 2 <sup>nd</sup> Street
Edward R. Roybal Learning Center	9-12	1200 W. Colton Street
<i>Source: Los Angeles Unified School District, Resident School Identifier, website: <a href="http://rsi.lausd.net/ResidentSchoolIdentifier/">http://rsi.lausd.net/ResidentSchoolIdentifier/</a>, accessed March 2017.</i>		

As shown in Table III-28, Proposed Project Estimated Student Generation, the Proposed Project would generate approximately 115 elementary students, 32 middle school students and 66 high school students, for a total of approximately 213 students. The Project Applicant would be required to pay all applicable developer fees to the LAUSD to offset the Proposed Project’s demands upon local schools. Prior to issuance of a building permit, the General Manager of the City of Los Angeles, Department of Building and Safety, or designee, shall ensure that the Applicant has paid all applicable school facility development

**Table III-28  
Proposed Project Estimated Student Generation**

Land Use	Size	Elementary School Students	Middle School Students	High School Students	Total Students
<b>Proposed Project</b>					
Multi-Family <sup>a</sup>	700 du	115	32	66	213
Commercial <sup>b</sup>	15,000 sf	0	0	0	0
<b>NET Student Generation:</b>		<b>115</b>	<b>32</b>	<b>66</b>	<b>213</b>
<i>Notes:</i> sf = square feet; du = dwelling units <sup>a</sup> Student generation rates are as follows for retail/commercial uses: .0149 elementary, .0069 middle and .0067 high school students per 1,000 square feet. <sup>b</sup> Student generation rates are as follows for multi-family residential uses: .1649 elementary, .0450 middle and .0943 high school students per unit. Source: For bullet points (a) above: Los Angeles Unified School District, School Facilities Needs Analysis for Los Angeles Unified School District, September 2012. -For bullet points (b) above: Los Angeles Unified School District, School Fee Justification Study, September 2002.					

fees in accordance with California Government Code Section 65995. Pursuant to Government Code Section 65995, payment of development fees authorized by SB 50 are deemed to be “full and complete school facilities mitigation.” With the payment of School Development Fee, the Proposed Project’s potential impact upon public school services would be less than significant.

**Cumulative Impacts**

**Less Than Significant Impact.** The Proposed Project, in combination with the related projects is expected to result in a cumulative increase in the demand for school services. Development of the related projects would likely generate additional demands upon school services. These related projects would have the potential to generate students that would attend the same schools as the Proposed Project. As shown in Table III-29, Estimated Cumulative Student Generation, the Proposed Project and related projects would cumulatively contribute approximately 4,150 elementary school students, 1,160 middle school students and 2,356 high school students, for a total of almost 7666 students. This would create an increased cumulative demand on local school districts. However, as noted in the Related Projects List in Table II-6 of the Project Description, Related Project No. 26, 60, 70, 86, and 104 propose to develop

**Table III-29  
Estimated Cumulative Student Generation**

<b>Land Use</b>	<b>Size</b>	<b>Elementary School Students</b>	<b>Middle School Students</b>	<b>High School Students</b>	<b>Total Students</b>
Single-Family Attached <sup>a</sup>	8,141 du	431	118	247	796
Multi-Family Residences <sup>b</sup>	20,979 du	3,459	944	1,978	6381
Hotel <sup>c</sup>	2,614,525 sf	20	8	9	37
Industrial <sup>d</sup>	130,000 sf	2	1	1	4
Office <sup>e</sup>	3,640,273 sf	85	39	38	162
Retail <sup>f</sup>	2,541,517 sf	38	18	17	73
<b>Related Projects Total:</b>		<b>4,035</b>	<b>1,128</b>	<b>2,290</b>	<b>7,453</b>
Proposed Project Net Total:		115	32	66	213
<b>Cumulative Total:</b>		<b>4,150</b>	<b>1,160</b>	<b>2,356</b>	<b>7,666</b>

Notes: sf = square feet; du = dwelling units

<sup>a</sup> Student generation rates are as follows for single-family attached residential uses: .053 elementary, .0145 middle and .0303 high school students per unit.

<sup>b</sup> Student generation rates are as follows for multi-family residential uses: .1649 elementary, .0450 middle and .0943 high school students per unit.

<sup>c</sup> Student generation rates are as follows for hotel uses: .0076 elementary, .0035 middle and .0034 high school students per 1,000 sf.

<sup>d</sup> Student generation rates are as follows for industrial uses: .018 elementary, .0083 middle and .008 high school students per 1,000 square feet.

<sup>e</sup> Student generation rates are as follows for office uses: .0233 elementary, .0108 middle and .0104 high school students per 1,000 square feet.

<sup>f</sup> Student generation rates are as follows for retail/commercial uses: .0149 elementary, .0069 middle and .0067 high school students per 1,000 square feet.

Source:

-For bullet points (a) and (b) above: Los Angeles Unified School District, School Facilities Needs Analysis for Los Angeles Unified School District, September 2012.

-For bullet points (c) through (g) above: Los Angeles Unified School District, School Fee Justification Study, September 2002.

-Conversions for square feet per occupant are based on California Building Code (2013), Ch.10, Table 1004.1.2.

schools within the Project vicinity. The addition of these schools would reduce the demand of schools in the area. Furthermore, each of the new housing units would be responsible for paying mandatory school fees to mitigate the increased demand for school services. Cumulative impacts on schools would be less than significant.

**(iv) Parks?**

**Less Than Significant Impact.** A significant impact would occur if the recreation and park services available could not accommodate the projected population increase resulting from implementation of a project or if the proposed project resulted in the construction of new recreation and park facilities that create significant direct or indirect impacts to the environment.

The Public Recreation Plan (PRP), a portion of the Service Systems Element of the City of Los Angeles General Plan, provides standards for the provision of recreational facilities throughout the City and includes Local Recreation Standards. The desired long-range standard for local parks is based on two

acres per 1,000 persons for neighborhood parks and two acres per 1,000 persons for community parks or four acres per 1,000 persons of combined neighborhood and community parks. However, the PRP also notes that these long-range standards may not be reached during the life of the plan, and, therefore, includes more attainable short- and intermediate-range standards of one (1) acre per 1,000 persons for neighborhood parks and one (1) acre per 1,000 persons for community parks, or two (2) acres per 1,000 people of combined neighborhood and community parks. These standards are Citywide goals and are not intended to be requirements for individual development projects. The Public Recreation Element of the City's General Plan also recognizes that the achievement of such goals is not the responsibility of individual development projects and that such goals will be met by "seek[ing] federal, state and private funds to implement acquisition and development of parks and recreational facilities."

The Proposed Project is located within a highly urbanized area within the Central City Community Plan Area. As shown in Table III-30, there are approximately 106.5 acres of parkland and public recreation facilities within a 2-mile radius of the Project Site. These facilities range from 0.33-acres (Unidad Park) to 29.86 acres (MacArthur Park). The Proposed Project would provide approximately 86,976 square feet (2.00 acres) of total common open space and amenities on-site available exclusively to serve Project residents and their guests. The Proposed Project includes a variety of on-site amenities including, but not limited to, a 5<sup>th</sup> level amenity deck with a pool, lounging area, outdoor landscaped terrace, and roof deck, thereby achieving the required square feet of open space required by the LAMC. In addition, the Project Applicant would be required to pay all applicable fees pursuant to the Parks Dedication and Fee Update Ordinance (Ordinance No. 184,505) or Quimby Fees, which would be used to provide additional park facilities in the Project area. With payment of the mandatory developer fees, the project's increased demands upon public parkland and recreation facilities would be reduced to less than significant levels.

### **Cumulative Impacts**

**Less Than Significant Impact.** Development of the Proposed Project in conjunction with the related projects could result in an increase in permanent residents residing in the greater Project area. Additional cumulative development would contribute to lowering the City's existing parkland to population ratio, which is currently below the preferred standard. However, each of the residential related projects are required to comply with payment of all applicable fees pursuant to the City's Parks Dedication and Fee Update Ordinance (Ordinance No. 184,505). Each residential related project would also be required to comply with the on-site open space requirements of the LAMC. Therefore, with payment of the applicable recreation fees on a project-by-project basis, the Proposed Project would not make a cumulatively considerable impact to parks and recreational facilities, and cumulative impacts would be less than significant.

**Table III-30  
Recreation and Park Facilities within the Project Area**

<b>Park Name</b>	<b>Park Size (acres)</b>	<b>Park Amenities</b>	<b>Approx. Distance to Project Site (miles)</b>
Grand Hope Park	2.07	Clock tower, open space (lawns), and children's play area	0.19
Pershing Square Park	4.44	Ice skating rink (seasonal), stage, sunken amphitheater	0.61
Spring Street Park	0.56	Open space, benches, and children's play area	0.71
6 <sup>th</sup> & Gladys Street Park	0.34	Open space and basketball court	0.92
City Hall Park Center	1.20	Open space and benches	1.16
Toberman Recreation Center	2.20	Auditorium, barbecue pits, baseball diamond (lighted), children's play area, community room, indoor gym, picnic tables	1.17
Trinity Recreation Center	2.06	Auditorium, basketball courts (lighted/outdoor), open space, children's play area.	1.24
Orthopaedic Hospital Playground	0.17	Children's playground	1.28
Hope and Peace Park	0.57	Basketball courts and benches	1.30
Grand Park	12.0	Open space, benches, and dog park	1.30
Alvarado Terrace Park	0.91	Children's play area and gazebo	1.34
Vista Hermosa Park	2.13	Children's play area, picnic tables, soccer field	1.40
Saint James Park	0.98	Children's play area, open space	1.42
Pico Union Park	0.75	Children's play area, picnic tables	1.48
Central Park Recreational Center and Pool	0.70	Basketball courts (lighted/indoor), children's play area, pool	1.51
Hoover Recreation Center	2.46	Basketball courts, children's play area, picnic tables, indoor gym, barbecue pits, kitchen, gym	1.52
Los Angeles Plaza Park (El Pueblo de Los Angeles Monument)	2.60	Open space, benches, museums, and Olvera Street	1.53
Unidad Park (Beverly Park)	0.33	Children's play area, benches	1.57
Echo Deep Pool	1.04	Year-round indoor pool which offers various programming	1.58
Mac Arthur Park	29.86	Lake, recreation center, open space, benches, children's play area, auditorium, picnic tables, walking paths, auditorium, class room, and paddle boats	1.58
Patton Street Park	0.42	Children's play area, outdoor fitness equipment, walking path, benches	1.68
Alpine Recreation Center	1.97	Auditorium, basketball courts (lighted/indoor/outdoor), children's play area, indoor gym, volleyball courts	1.84
Echo Park Recreation Center, and Lake	28.60	Children's play area, picnic tables, basketball courts, tennis courts, barbecue pits, pool, soccer field, boathouse, paddle boats	1.95
Lafayette Community Center	8.10	Children's play area, picnic tables, basketball courts, tennis courts, community room, soccer field, kitchen, stage, TV area	2.00
<b>Total Parkland (Approximate):</b>	<b>106.46</b>		
<i>Sources: Park distances, size, and amenities were determined using:            (1) City of Los Angeles Department of Recreation and Parks, Facility Locator, <a href="http://www.laparks.org/">http://www.laparks.org/</a>; and            (2) Navigate LA, <a href="http://navigatea.lacity.org/navigatea/">http://navigatea.lacity.org/navigatea/</a>, accessed March 2017.</i>			

(v) **Other Public Facilities?**

**Less Than Significant Impact.** A significant impact may occur if a project includes substantial employment or population growth that could generate a demand for other public facilities (such as libraries), which would exceed the capacity available to serve the Project Site.

Within the City of Los Angeles, the Los Angeles Public Library (LAPL) provides library services at the Central Library and 72 regional branch libraries. Approximately 6.5 million books and other materials comprise the LAPL collection. The LAPL branches currently serving the Project Site include:

- Central Library, located at 630 W. 5<sup>th</sup> Street, approximately 0.6 mile north of the Project Site;
- Little Tokyo Branch, located at 203 S. Los Angeles Street, approximately 1.0 mile northeast of the Project Site;
- Pico Union Branch, located at 1030 S. Alvarado Street, approximately 1.42 miles west of the Project Site;
- Chinatown Branch Library, located at 639 N. Hill Street, approximately 1.7 miles north of the Project Site.<sup>56</sup>

The Central Library is approximately 500,000 square feet and has approximately 6.3 million items. It serves approximately 7,000 people a day and maintains a staff of 150 employees. The Library budget (\$150.7 million) is 2% of the total city budget (\$6.7 billion).<sup>57</sup> In 2011, Measure L, the Public Library Funding Charter Amendment, was approved by over 63% of voters. Measure L provides funds to restore 6-day-a-week service at all 73 libraries, and eventually 7-day-a-week service at 9 libraries, purchase additional books, and increase access to the Library's collections, computers and programs including after-school/summer youth, student homework help, adult literacy and job search programs.<sup>58</sup> Currently, there are no plans to construct any new library facilities in the local area. The LAPL's Criteria for New Libraries (formerly Site Selection Guidelines) recommended sizes for libraries are 12,500 square feet facilities for communities with less than a population of 45,000 and 14,500 square feet facilities for communities with a population of more than 45,000. At 500,000 square feet the Central Library far exceeds these criteria and currently meets the library demands of the surrounding community. Therefore, it would be able to meet the Proposed Project's demand for library services, and the Proposed Project's impacts upon library services would be less than significant.

The Project would generate approximately 1,176 residents and an increase of roughly 72 employees. Employees of commercial development do not typically frequent libraries during work hours, but are

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<sup>56</sup> *City of Los Angeles Public Library, Hours and Locations, website: <http://www.lapl.org/branches>, accessed September 2015.*

<sup>57</sup> *Los Angeles Public Library, Measure L Fact Sheet, [http://www.lapl.org/sites/default/files/media/pdf/about/fact\\_sheet.pdf](http://www.lapl.org/sites/default/files/media/pdf/about/fact_sheet.pdf), accessed March 2017.*

<sup>58</sup> *Ibid.*

more likely to use libraries near their homes during non-work hours. The additional 1,176 residents represent a negligible amount of the current service population of the Little Tokyo Branch and would be accommodated in the future service population of the Central Library, which serves the entire City. Therefore, the impacts related to library facilities would be less than significant.

### **Cumulative Impacts**

**Less Than Significant Impact.** Development of the related projects is projected to generate additional housing and residents within the study area, which would likely generate additional demands upon library services. This increase in resident population, combined with the 580 additional residents generated by the Proposed Project, would result in a cumulative increase in demands upon public library services. To meet the increased demands upon the City's Public Library system, Los Angeles voters passed a Library Bond Issue for \$178.3 million to improve, renovate, expand, and construct 32 branch libraries. Since the Program's inception in 1998, the Library Department and the Department of Public Works, Bureau of Engineering have made considerable progress in the design and construction of the branch library facilities. Based on the growth forecasts utilized in the 2015-2020 Strategic Plan, much of this growth has already been accounted for in planning new and expanded library facilities. The LAPL is committed to increase the number of people who use the library services, to increase the number of library cardholders and actively promote the robustly market programs and services to increase residents' overall engagement with the libraries.<sup>59</sup> Moreover, the Central Library far exceeds the LAPL criteria for its service area. Thus, the additional population generated by the Proposed Project and the related projects would not make a cumulatively considerable impact upon the City's library system.

## **XV. RECREATION**

### **a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**Less Than Significant Impact.** A significant impact may occur if the project would include substantial employment or population growth, which would increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated.

It is reasonable to assume that the future occupants of the Proposed Project would utilize recreation and park facilities in the surrounding area. As noted in Table III-30, above, there are 24 existing new and recently improved parks within the Project Area totaling more than 106 acres that are available to serve the future residents and retail visitors to the Project Site. Notable new additions to the downtown area are Grand Park, at the Los Angeles Civic Center, and Spring Street Park, a pocket park recently developed at 426 S. Spring Street. In addition, the Proposed Project would provide approximately 86,976 square feet (2.00 acres) of open space and recreational facilities on-site that would be available exclusively to serve

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<sup>59</sup> *Los Angeles Public Library Strategic Plan 2015-2020, June 2015.*

Project residents and their guests including, but not limited to, a 5<sup>th</sup> level amenity deck with a pool, lounging area, outdoor landscaped terrace, and roof deck. The availability of these on-site recreation amenities and opportunities would serve to reduce the demand for off-site park services, and accordingly the Proposed Project would not substantially increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. In addition, the Project Applicant would be required to pay Quimby Fees or, if applicable, fees in accordance with the Parks Dedication and Fee Update ordinance (Ordinance No. 184,505), which would be used to provide additional park facilities in the Project area. Therefore, the Proposed Project's impact upon parks and recreational facilities would be reduced to a less-than-significant level. Accordingly, the Proposed Project's impact upon parks and recreational facilities would be less than significant.

**b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

**Less Than Significant Impact.** A significant impact may occur if a project includes or requires the construction or expansion of park facilities and such construction would have a significant adverse effect on the environment. As noted above, there are 24 existing, new, or recently improved parks within the Project Area totaling more than 106 acres that are available to serve the future residents and retail visitors to the Project Site. The Proposed Project would also provide approximately 86,976 square feet of open space and recreational facilities on-site. As discussed in Section XIV (d) above, Citywide park standards are Citywide goals and are not intended to be requirements for individual development projects. The Public Recreation Element of the City's General Plan also recognizes that the achievement of such goals is not the responsibility of individual development projects and that such goals will be met by "seek[ing] federal, state and private funds to implement acquisition and development of parks and recreational facilities." The Proposed Project itself does not include the expansion of park facilities and does not require the construction or expansion of recreational facilities that might have an adverse impact on the environment. Therefore, a less than significant impact would occur.

**Cumulative Impacts**

**Less Than Significant Impact.** The Proposed Project in combination with the related projects would be expected to increase the cumulative demand for parks and recreational facilities in the City of Los Angeles. A number of new parks and recently renovated park improvements have been made in the downtown area to accommodate cumulative demands created by increased residential development. Similar to the Proposed Project's requirement to pay fees to improve recreation and park facilities, the related projects that include residential units would be required to pay park mitigation fees or applicable Quimby fees to mitigate impacts upon park and recreational facilities and to provide additional funds to meet Citywide park goals. Additionally, each related project would be subject to the provisions of the LAMC for providing on-site open space, which is proportionately based on the amount of new development. Because the Proposed Project would have a less than significant incremental contribution to the potential cumulative impact on recreational resources, the Proposed Project would have a less than significant cumulative impact on such resources.

## XVI. TRANSPORTATION AND TRAFFIC

The following section summarizes and incorporates by reference the information provided in the Transportation Impact Analysis prepared by Fehr & Peers, dated January 2018. The Traffic Study, the Traffic Memo, and related correspondence from the Los Angeles Department of Transportation (DOT) are provided as Appendix H.

- a) **Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

**Potentially Significant Unless Mitigation Incorporated.** The Transportation Study was prepared in accordance with the assumptions, methodologies, and procedures outlined in the City of Los Angeles Department of Transportation (“LADOT”) Transportation Impact Study Guidelines (December 2016). The analysis is also consistent with the guidelines in the Congestion Management Program (CMP) for Los Angeles County. The Transportation Study analyzed the following: Existing (2017) traffic volumes, Existing (2017) Plus Project traffic volumes, Future (2022) Without Project traffic volumes, and Future (2022) Plus Project traffic volumes. The analyses of future (2022) conditions included cumulative traffic attributable to ambient growth and related projects within the Project study area.

### Study Intersections

Thirteen signalized intersections were selected for analysis in consultation with LADOT. The following 13 signalized intersections, illustrated in Figure III-3, were identified in conjunction with LADOT to be analyzed as part of the scope of work for the Proposed Project:

- |   |  |
|---|--|
| 1. Grand Avenue & Olympic Boulevard       | 8. Hill Street & 11 <sup>th</sup> Street |
| 2. Olive Street & 9 <sup>th</sup> Street  | 9. Hill Street & 12 <sup>th</sup> Street |
| 3. Olive Street & Olympic Boulevard       | 10. Broadway & 9 <sup>th</sup> Street    |
| 4. Olive Street & 11 <sup>th</sup> Street | 11. Broadway & Olympic Boulevard         |
| 5. Hill Street & 8 <sup>th</sup> Street   | 12. Broadway & 11 <sup>th</sup> Street   |
| 6. Hill Street & 9 <sup>th</sup> Street   | 13. Main Street & Olympic Boulevard      |
| 7. Hill Street & Olympic Boulevard        |  |

### Existing Conditions (2017)

#### *Study Area*

The Project Site is located within the Central City Community Plan area of the City of Los Angeles. The study area selected for analysis extends to include South Grand Avenue to the west, South Main Street to the east, West 8<sup>th</sup> Street to the north, and West 12<sup>th</sup> Street to the south. All of the streets in the study area are under the jurisdiction of the City of Los Angeles.

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***Existing Street System***

Major arterials serving the study area include Olympic Boulevard in the east/west direction. Interstate 10 lies approximately 0.7 miles south of the Project Site, State Route 110 lies approximately 0.7 miles to the west of the Project Site, and US-101 lies approximately 1.5 miles northeast of the Project Site. Each of these interstates provides regional access to and from the study area.

The characteristics of the major roadways serving the study area are described in more detail in page 7 of the Transportation Study. The street descriptions include the designation of the roadway under the Mobility Plan 2035, An Element of the General Plan adopted by the Los Angeles City Council in January 2016.

***Existing Public Transit Service***

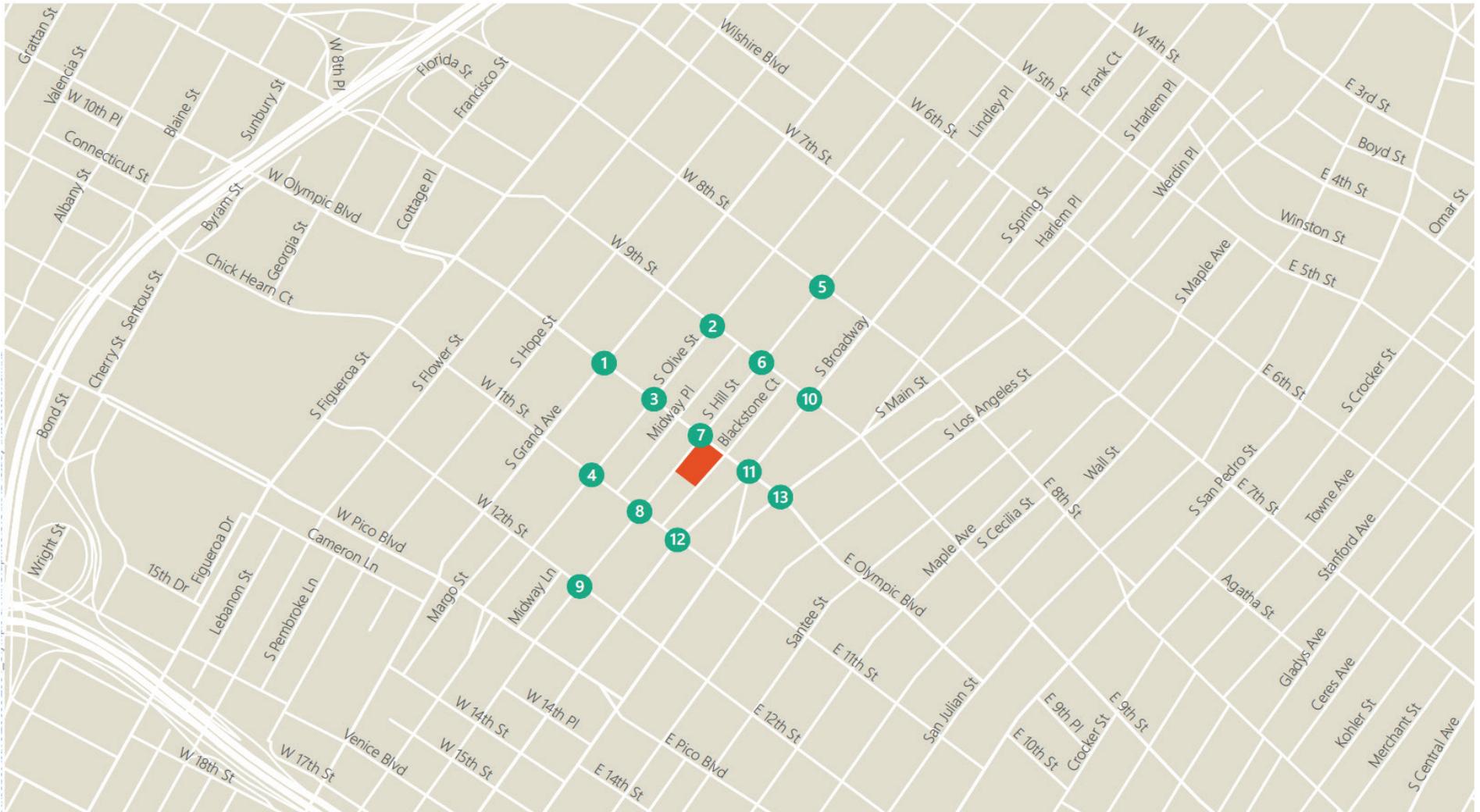
The Project Site is served by a high level of public transit. Figure 3A in the Transportation Study shows the various Metro bus routes, rapid bus routes, and Metro Rail lines providing service in the study area. Figure 3B shows the bus routes operated by other operators in the study area. The Project Site is located approximately one half-mile northeast of the Metro Pico Station and approximately 0.7 miles southeast of the 7<sup>th</sup> Street/Metro Center Station. Thirty-seven local, limited, express, rapid, and shuttle bus routes run within a ¼-mile of the Project Site, including: Metro local, Metro Rapid, Foothill Transit rapid, DASH, LADOT Commuter Express, and Big Blue Bus rapid routes.

***Existing Bicycle and Pedestrian Facilities***

Grand Avenue, Olive Street, and Main Street each have bicycle lanes. West 11<sup>th</sup> Street, east of Broadway, also has a bicycle lane. Approximately ½ mile north of the Project Site, West 7<sup>th</sup> Street includes a bicycle lane. Figueroa Street has peak hour bus lanes with bicycles permitted south of 7<sup>th</sup> Street and a bicycle lane north of Wilshire Boulevard. Figure 4 of the Transportation Study shows citywide existing and planned designated bicycle facilities in the Project area.

The Mobility Plan 2035 identifies corridors proposed to receive improved bicycle, pedestrian and vehicle infrastructure improvements. Tier 1 Protected Bicycle Lanes are bicycle facilities that are separated from vehicular traffic. Tier 2 and Tier 3 Bicycle Lanes are facilities on roadways with striped separation. Tier 2 Bicycle Lanes are those more likely to be built by 2035. The Mobility Plan 2035 identifies Hill Street and Hope Street as part of the Neighborhood Enhanced Network. Figueroa Street, Hope Street, Grand Avenue, Olive Street, and Main Street are part of the Tier 1 Bike Lane Network.

The Neighborhood Enhanced Network is the network of locally-serving streets planned to contain traffic calming measures that close the gaps between streets with bicycle facilities. Several streets in the study area are included within the planned Neighborhood Enhanced Network, including Hope Street, Hill Street, and 11<sup>th</sup> Street. The study area generally has a mature network of pedestrian facilities including sidewalks, crosswalks and pedestrian safety features. Approximately 8- to 18-foot sidewalks are provided throughout the study area.



Source: Fehr & Peers, January 2018.



Figure III-3  
Study Intersections

### ***Existing Traffic Volumes***

Weekday AM and PM peak hour turning movement counts for seven of the 13 study intersections were provided by LADOT and were collected on Thursday, May 7, 2015. An annual growth rate of 1% per year was applied to these volumes to estimate 2017 volumes. New weekday AM and PM peak hour turning movement counts were collected at the remaining six study intersections on Thursday, March 23, 2017. The existing weekday morning and afternoon peak hour volumes at the study intersections and count sheets for the intersection are provided in Figure III-4 and Figure III-5.

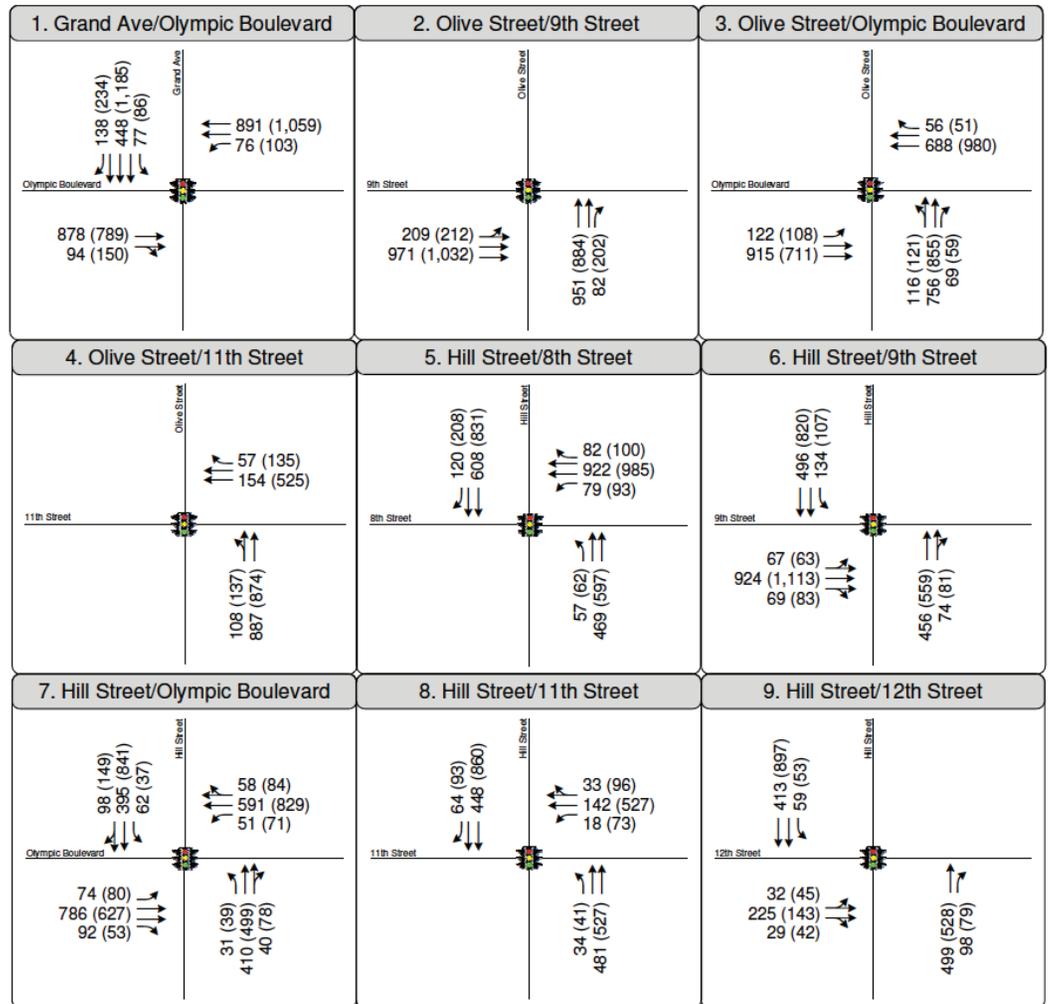
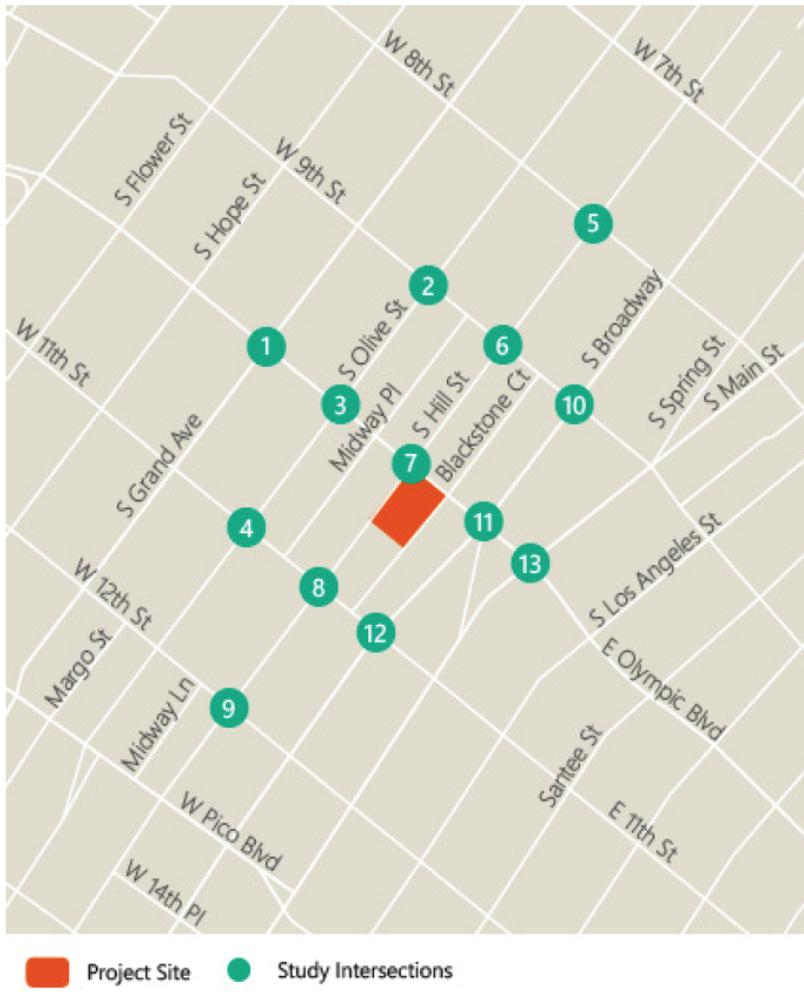
### ***Existing Level of Service***

Existing year traffic volumes were analyzed using the intersection capacity analysis methodology described above to determine the existing operating conditions at the study intersections. Table III-31 summarizes the results of the analysis of the existing weekday morning and afternoon peak hour V/C ratio and corresponding LOS at each of the analyzed intersections. As indicated, all of the 13 intersections analyzed for impacts operate at LOS B or better during both peak periods.

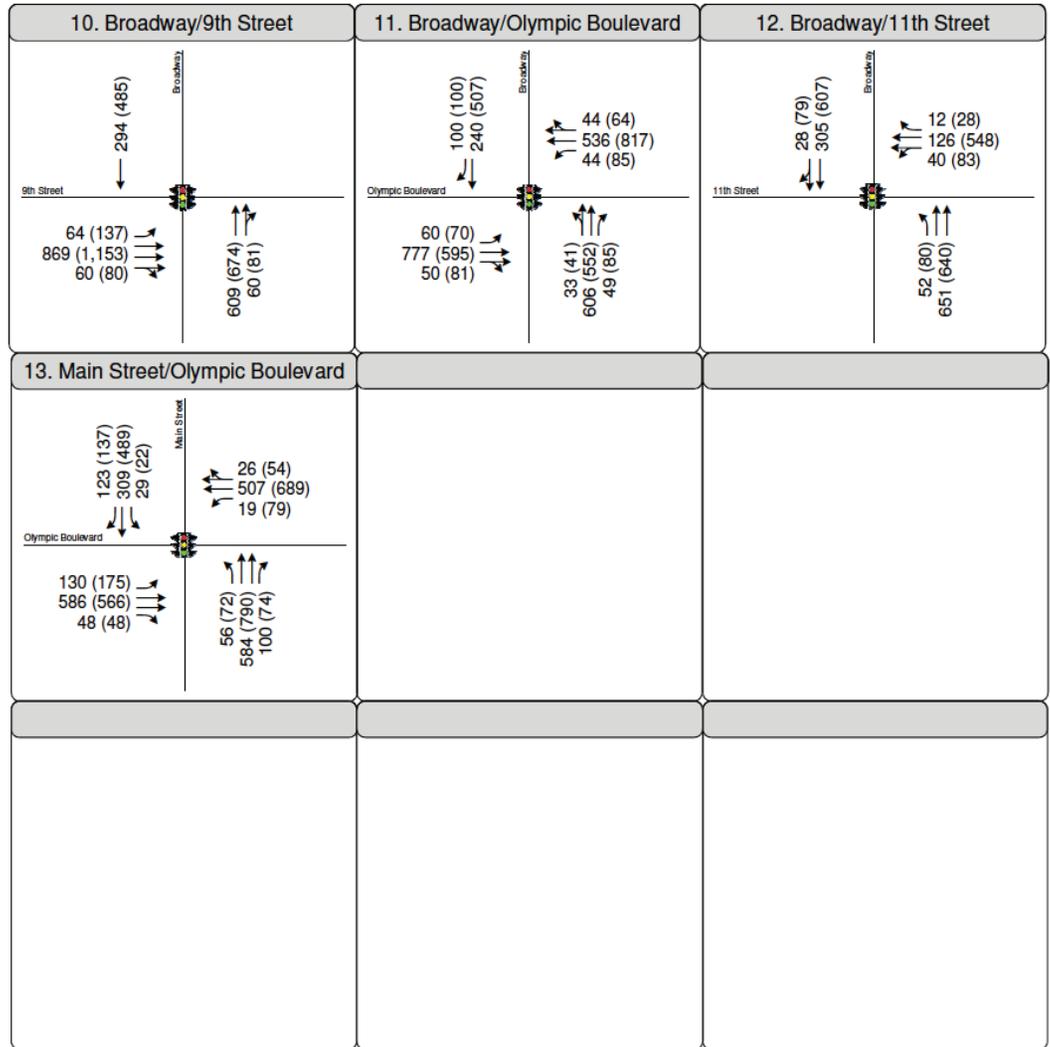
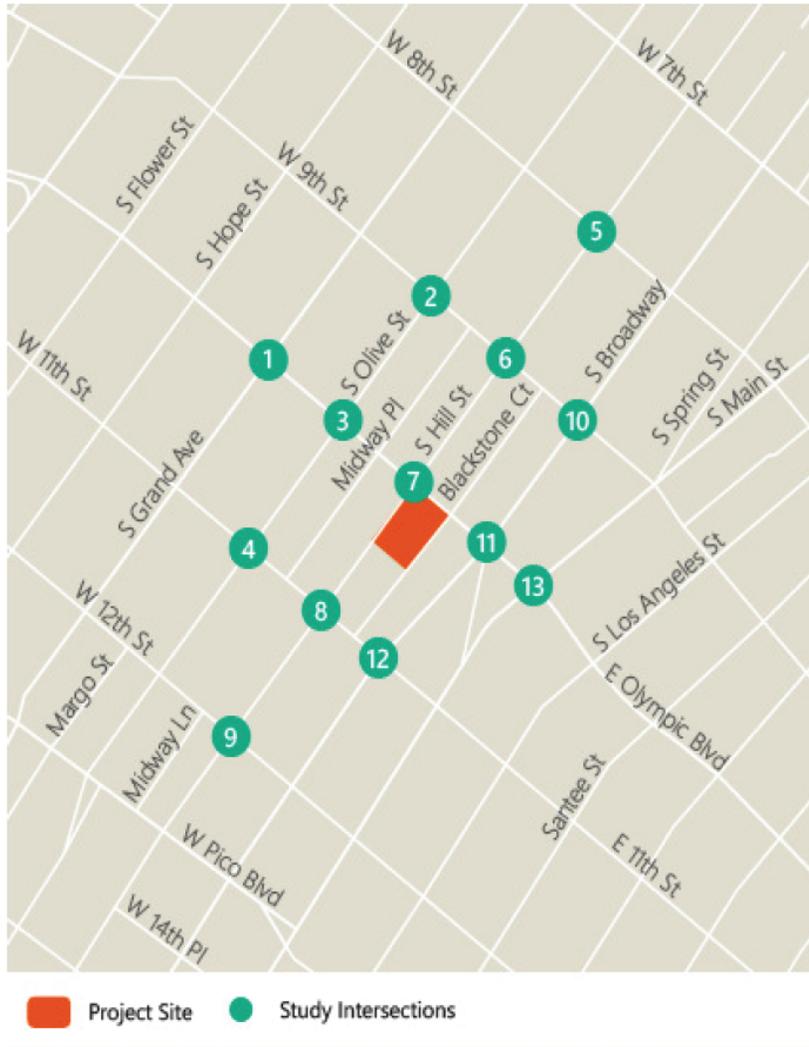
**Table III-31  
Existing Condition – Intersection Levels of Service**

<b>No.</b>	<b>Intersection</b>	<b>Peak Hour</b>	<b>V/C Ratio</b>	<b>LOS</b>
1.	Grand Avenue & Olympic Boulevard	AM	0.374	A
		PM	0.545	A
2.	Olive Street & 9 <sup>th</sup> Street	AM	0.479	A
		PM	0.471	A
3.	Olive Street & Olympic Boulevard	AM	0.501	A
		PM	0.624	B
4.	Olive Street & 11 <sup>th</sup> Street	AM	0.283	A
		PM	0.413	A
5.	Hill Street & 8 <sup>th</sup> Street	AM	0.448	A
		PM	0.547	A
6.	Hill Street & 9 <sup>th</sup> Street	AM	0.401	A
		PM	0.465	A
7.	Hill Street & Olympic Boulevard	AM	0.387	A
		PM	0.614	B
8.	Hill Street & 11 <sup>th</sup> Street	AM	0.131	A
		PM	0.422	A
9.	Hill Street & 12 <sup>th</sup> Street	AM	0.367	A
		PM	0.364	A
10.	Broadway & 9 <sup>th</sup> Street	AM	0.330	A
		PM	0.497	A
11.	Broadway & Olympic Boulevard	AM	0.429	A
		PM	0.606	B
12.	Broadway & 11 <sup>th</sup> Street	AM	0.173	A
		PM	0.393	A
10.	Main Street & Olympic Boulevard	AM	0.408	A
		PM	0.639	B

*Source: Fehr & Peers, January 2018.*



Source: Fehr & Peers, January 2018.



Source: Fehr & Peers, January 2018.

## **Project Impacts**

### ***Project Trip Generation***

As discussed above, the Proposed Project consists of 700 apartment units, 7,000 square feet of retail space, and 8,000 square feet of quality restaurant space. Trip generation rates from Trip Generation, 9<sup>th</sup> Edition (Institute of Transportation Engineers [ITE], 2012) were used to estimate the number of trips associated with the Proposed Project and are presented in Table III-32, below.

The City of Los Angeles' Transportation Impact Study Guidelines state that developments within a ¼-mile walking distance of a transit station, or of a Rapid Bus stop, may qualify for up to a 15% transit credit. There are six rapid bus lines accessible within a ¼-mile walking distance of the Project Site. The Rapid Bus line 794 has a bus stop located on Hill Street, immediately north of Olympic Boulevard. Accordingly, a transit credit of 15% was applied to the Project's retail and quality restaurant uses. The daily transit credit is assumed to be 75% of the average of AM and PM peak hour credit.

Per LADOT's Transportation Impact Study Guidelines, Attachment 1 Policy on Pass-By Trips, a 50% pass-by credit was applied to the Proposed Project's retail use, and a 10% pass-by credit was applied to the quality restaurant use. Pass-by credits account for the patrons making an intermediate stop on the way from an origin to a primary trip destination without a route diversion. These trips would be attracted from traffic passing the Project Site on Hill Street, Olympic Boulevard, and other nearby streets.

Internal trip credits can be defined as a reduction that can be applied to the trip generation estimates for individual land uses to account for trips internal to the Project Site. These are trips usually made via walking within the Project Site. The percentages are informed by the Trip Generation for Mixed-Use Development calculation methodology described in Chapter 6 of the ITE Trip Generation Handbook, 3<sup>rd</sup> Edition (2014). Internalization percentages were derived from Transportation Research Board (TRB) National Cooperative Highway Research Program (NCHRP) Report 684: Enhancing Internal Trip Capture Estimation for Mixed-Use Developments. The internal trip credits are based on the NCHRP analysis.

As shown in Table III-32, the Proposed Project is projected to generate an estimated net increase of 3,392 daily trips, including 242 trips (49 inbound/193 outbound) during the AM peak hour and 285 trips (181 inbound/104 outbound) during the PM peak hour.

**Table III-32  
Vehicle Trip Generation Estimate**

Trip Generation Rates								
Land Use (Land Use Code)	Size	Daily	AM Peak Hour			PM Peak Hour		
			Rate	In%	Out%	Rate	In%	Out%
High-Rise Residential (222, 232) <sup>e</sup> <i>Internal Capture</i> <sup>b</sup>	700 du	4.20 3%	0.34	19% 2%	81% 1%	0.38	62% 5%	38% 9%
Retail (820) <i>Less: Internal Capture</i> <sup>b</sup> <i>Less: Transit Credit</i> <sup>c</sup> <i>Less: Pass-by</i> <sup>d</sup>	7 ksf	42.70 39% 5% 50%	0.96 15% 50%	62% 14%	38% 40%	3.71 15% 50%	48% 60%	52% 54%
Quality Restaurant (931) <i>Less: Internal Capture</i> <sup>b</sup> <i>Less: Transit Credit</i> <sup>c</sup> <i>Less: Pass-by</i> <sup>d</sup>	8 ksf	89.95 24% 8% 10%	0.81 15% 10%	82% 33%	18% 0%	7.49 15% 10%	67% 25%	33% 47%
Estimated Trip Generation								
Land Use	Size	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
High-Rise Residential <sup>e</sup> <i>Internal Capture</i> <sup>b</sup> <b>Net External Vehicle Trips</b>	700 du	2,940 (88) <b>2,852</b>	45 (1) <b>44</b>	193 (2) <b>191</b>	238 (3) <b>235</b>	165 (9) <b>156</b>	101 (9) <b>92</b>	266 (18) <b>248</b>
Retail <i>Less: Internal Capture</i> <sup>b</sup> <i>Less: Transit Credit</i> <sup>c</sup> <b>Total Driveway Trips</b> <i>Less: Pass-by</i> <sup>d</sup> <b>Net External Vehicle Trips</b>	7 ksf	299 (117) (9) 173 (86) <b>87</b>	4 (1) 0 3 (1) <b>2</b>	3 (1) 0 2 (1) <b>1</b>	7 (2) 0 5 (2) <b>3</b>	12 (7) (1) 4 (2) <b>2</b>	14 (8) (1) 5 (2) <b>3</b>	26 (15) (2) 9 (4) <b>5</b>
Quality Restaurant <i>Less: Internal Capture</i> <sup>b</sup> <i>Less: Transit Credit</i> <sup>c</sup> <b>Total Driveway Trips</b> <i>Less: Pass-by</i> <sup>d</sup> <b>Net External Vehicle Trips</b>	8 ksf	720 (173) (44) 503 (50) <b>453</b>	5 (2) 0 3 0 <b>3</b>	1 0 0 1 0 <b>1</b>	6 (2) 0 4 0 <b>4</b>	40 (10) (5) 25 (2) <b>23</b>	20 (9) (2) 9 0 <b>9</b>	60 (19) (7) 34 (2) <b>32</b>
<b>Total Project Driveway Trips</b>		<b>3,528</b>	<b>50</b>	<b>194</b>	<b>244</b>	<b>185</b>	<b>106</b>	<b>291</b>
<b>NET External Vehicle Trips</b>		<b>3,392</b>	<b>49</b>	<b>193</b>	<b>242</b>	<b>181</b>	<b>104</b>	<b>285</b>

*Notes:*  
 du = dwelling unit; ksf = thousands of square feet of gross floor area  
<sup>a</sup> Source: Trip Generation, 9<sup>th</sup> Edition, Institute of Transportation Engineers, 2012.  
<sup>b</sup> Internal capture represents the percentage of trips between land uses that occur within the site. This percentage is informed by the Trip Generation for Mixed-Use Development calculation methodology described in Chapter 6 of the ITE Trip Generation Handbook, 3<sup>rd</sup> Edition, 2014. Internalization percentages are derived from NCHRP Report 684: Enhancing Internal Trip Capture Estimation for Mixed-Use Developments, Transportation Research Board, 2011. See Attachment B of Transportation Study for detailed calculation tables. The daily credit is assumed to be 75% of peak hour credits taken.  
<sup>c</sup> The transit credit is based on LADOT's Traffic Study Policies and Procedures, December 2016. The guidelines state that up to 15% transit credit may be taken for projects within 1/4 mile walking distance of a transit station or of a RapidBus stop. The nearest RapidBus service is provided by Route 728 on Olympic Boulevard and Hill Street and Route 794 on Hill Street, adjacent to the Project Site. The daily credit is assumed to be 75% of peak hour credits taken.  
<sup>d</sup> The pass-by credit is based on Attachment I of LADOT's Traffic Study Policies and Procedures, December 2016.  
<sup>e</sup> For flexibility, the trip generation analysis uses the most conservative (highest) rates for high-rise apartments versus high-rise condominiums: ITE code 222 (high-rise apartment) for daily trips and ITE code 232 (high-rise condominium) for peak hour trips. Since the high-rise residences in the ITE database are generally in urban areas with transit service, no additional transit credit was taken to provide a conservative estimate.  
 Source: Fehr & Peers, Olympic & Hill Project Transportation Impact Analysis, January 2018.

### ***Project Traffic Distribution***

The geographic distribution of trips generated by the Proposed Project is dependent on characteristics of the street system serving the Project Site; the level of accessibility of routes to and from the proposed project site; locations of employment and commercial centers to which residents of the Project would be drawn; and residential areas from which the commercial visitors would be drawn. A select zone analysis was conducted for the proposed uses using the City of Los Angeles' Travel Demand Model to inform the general distribution pattern for the Transportation Study. The distribution of Proposed Project trips is illustrated in Figure III-6.

### ***Project Traffic Assignment***

The traffic to be generated by the Proposed Project was assigned to the street network using the distribution pattern described in Figure III-6. Figure III-7 and III-8 provides the assignment of the Proposed Project generated peak hour traffic volumes at the analyzed intersections during the AM and PM peak hours. The assignment of traffic volumes took into consideration the locations of the proposed Project driveways on Hill Street and Olympic Boulevard.

### ***Project Driveways***

As discussed, both driveways will allow full access to the building's underground parking, including shared access for residents and retail and restaurant customers.

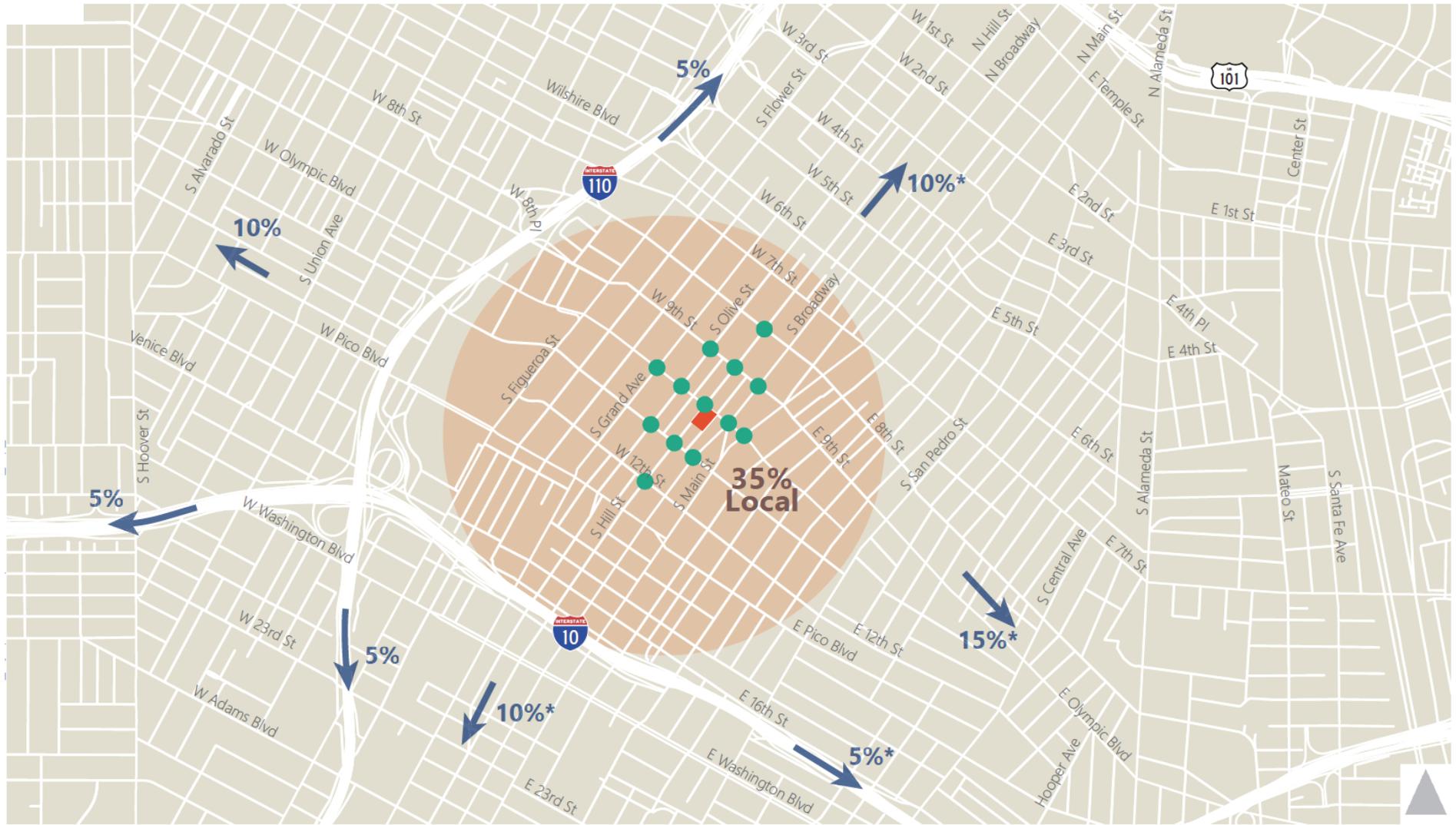
### **Criteria For Determination of Significant Traffic Impact**

The City of Los Angeles has established threshold criteria to determine significant traffic impact of a proposed project in its jurisdiction. Under the LADOT guidelines, an intersection would be significantly impacted with an increase in V/C ratio equal to or greater than 0.04 for intersections operating at LOS C, equal to or greater than 0.02 for intersections operating at LOS D, and equal to or greater than 0.01 for intersections operating at LOS E or F after the addition of Project traffic. Intersections operating at LOS A or B after the addition of the project traffic are not considered significantly impacted regardless of the increase in V/C ratio. The following summarizes the impact criteria:

**Table III-33  
Definition of Significant Impact at Intersection**

<b>Level of Service</b>	<b>Final V/C Ratio</b>	<b>Project-Related Increase in V/C</b>
C	0.701–0.800	Equal to or greater than 0.04
D	0.801–0.900	Equal to or greater than 0.02
E, F	> 0.900	Equal to or greater than 0.01

*Source: City of Los Angeles.*



● Study Intersections    ■ Project Site

\*Some trips ultimately distributed onto freeways.

Source: Fehr & Peers, January 2018.

### Existing Plus Project Traffic Level of Service

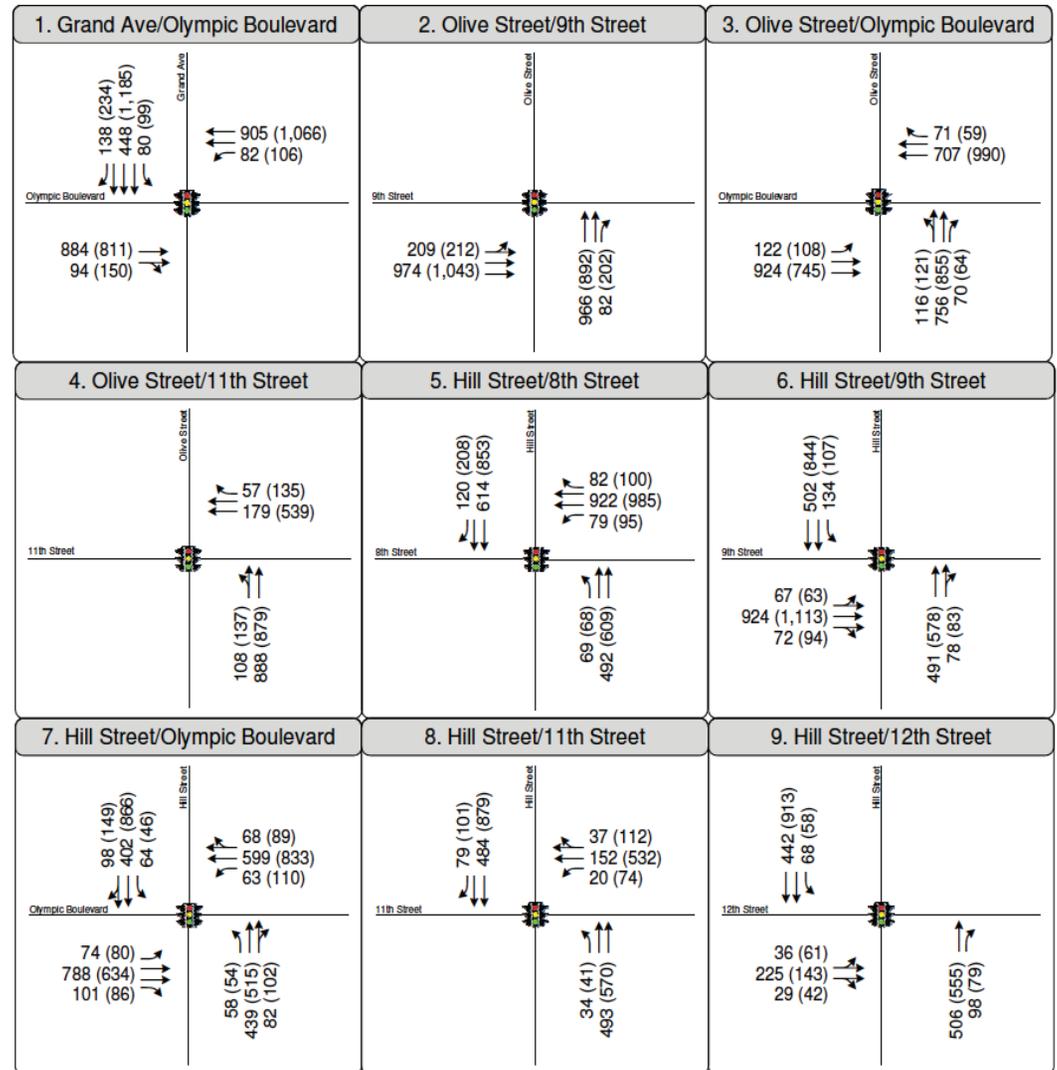
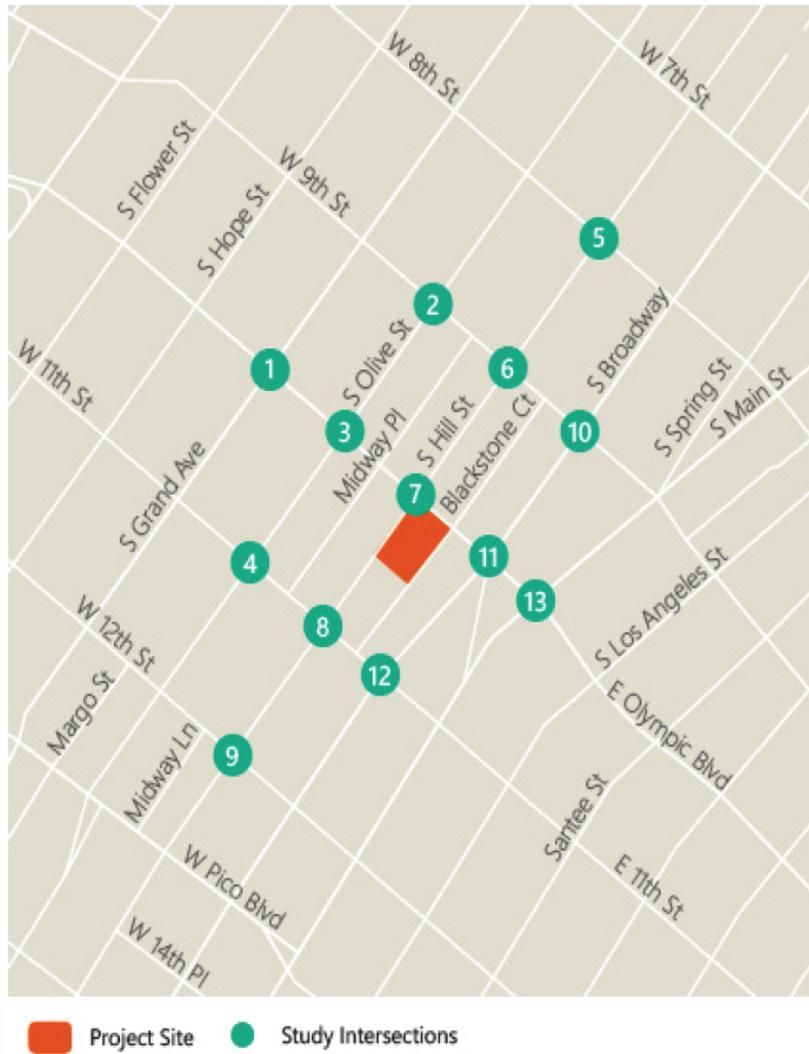
The Proposed Project traffic estimated and assigned to the study intersections was added to the existing traffic volumes to estimate Existing plus Project traffic volumes. Turning movement traffic volumes for the Existing plus Project scenario are provided in Figure III-7 and Figure III-8.

The Existing plus Project traffic volumes were analyzed to determine the Projected V/C ratios and LOS for each of the analyzed intersections under this scenario. Table III-34 summarizes the Existing plus Project LOS. As indicated in Table III-34, all 13 signalized intersections are projected to operate at LOS B or better during both peak hours. As shown in Table III-34, after applying the aforementioned City of Los Angeles significant impact criteria, it is determined that the proposed Project would not result in significant impacts under Existing plus Project conditions at any of the study intersections.

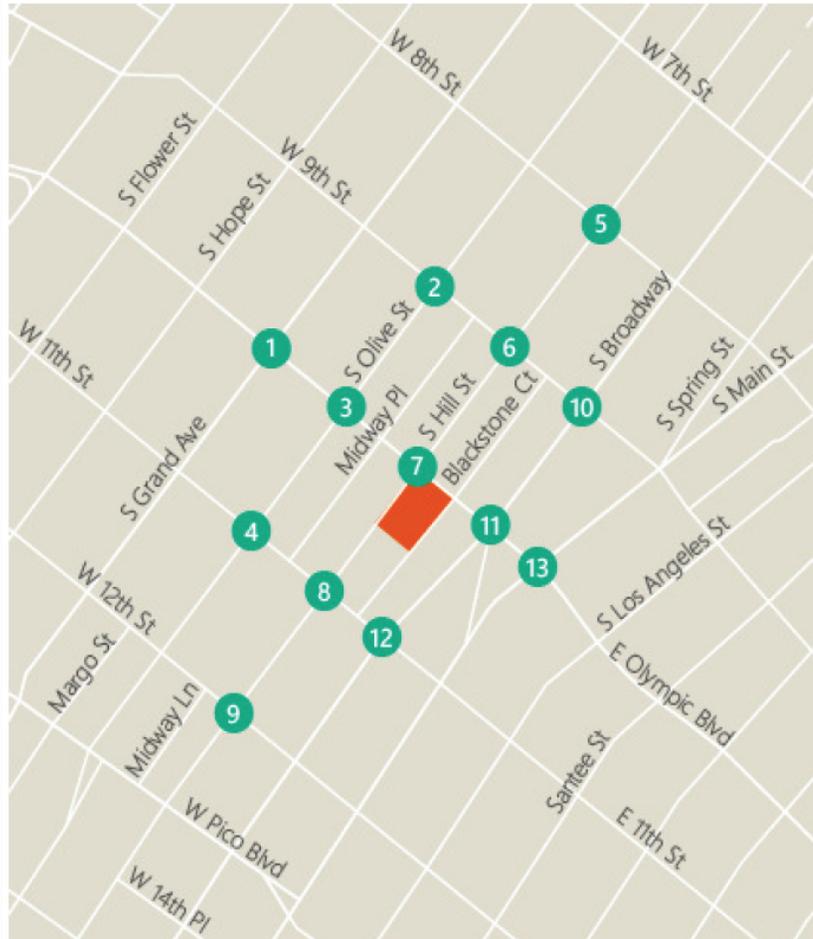
**Table III-34**  
**Existing Plus Project Intersection Levels of Service and Impact Analysis**

No.	Intersection	Peak Hour	Existing		Existing Plus Project		V/C Increase	Significant Impact?
			V/C	LOS	V/C	LOS		
1.	Grand Avenue & Olympic Boulevard	AM	0.374	A	0.380	A	0.006	No
		PM	0.545	A	0.555	A	0.010	No
2.	Olive Street & 9 <sup>th</sup> Street	AM	0.479	A	0.485	A	0.006	No
		PM	0.471	A	0.476	A	0.005	No
3.	Olive Street & Olympic Boulevard	AM	0.501	A	0.508	A	0.007	No
		PM	0.624	B	0.627	B	0.003	No
4.	Olive Street & 11 <sup>th</sup> Street	AM	0.283	A	0.292	A	0.009	No
		PM	0.413	A	0.419	A	0.006	No
5.	Hill Street & 8 <sup>th</sup> Street	AM	0.448	A	0.458	A	0.010	No
		PM	0.547	A	0.559	A	0.012	No
6.	Hill Street & 9 <sup>th</sup> Street	AM	0.401	A	0.415	A	0.014	No
		PM	0.465	A	0.474	A	0.009	No
7.	Hill Street & Olympic Boulevard	AM	0.387	A	0.421	A	0.034	No
		PM	0.614	B	0.635	B	0.021	No
8.	Hill Street and 11 <sup>th</sup> Street	AM	0.131	A	0.147	A	0.016	No
		PM	0.422	A	0.435	A	0.013	No
9.	Hill Street & 12 <sup>th</sup> Street	AM	0.367	A	0.379	A	0.012	No
		PM	0.364	A	0.391	A	0.027	No
10.	Broadway & 9 <sup>th</sup> Street	AM	0.330	A	0.335	A	0.005	No
		PM	0.497	A	0.505	A	0.008	No
11.	Broadway & Olympic Boulevard	AM	0.429	A	0.447	A	0.018	No
		PM	0.606	B	0.619	B	0.013	No
12.	Broadway & 11 <sup>th</sup> Street	AM	0.173	A	0.174	A	0.001	No
		PM	0.393	A	0.408	A	0.015	No
13.	Main Street & Olympic Boulevard	AM	0.408	A	0.418	A	0.010	No
		PM	0.639	B	0.652	B	0.013	No

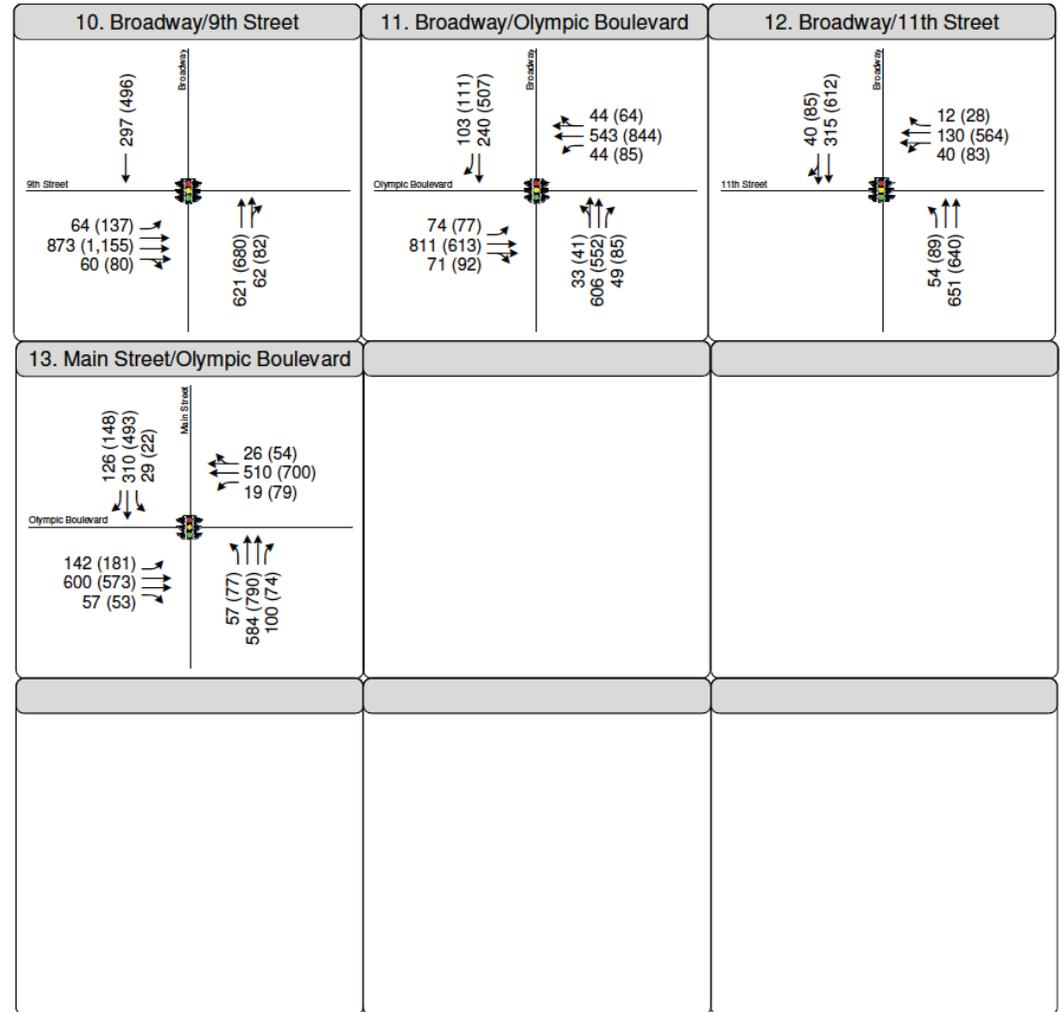
Source: Fehr & Peers, January 2018.



Source: Fehr & Peers, January 2018.



■ Project Site   
 ● Study Intersections



Source: Fehr & Peers, January 2018.

**Future Conditions (Year 2022)**

To evaluate the potential impacts of the Proposed Project on future (Year 2022) conditions, it was necessary to develop estimates of future traffic conditions in the area both without and with Project traffic. First, estimates of traffic growth were developed for the study area to forecast future conditions without the Proposed Project. These forecasts included traffic increases as a result of both regional ambient traffic growth and traffic generated by specific developments in the vicinity of the Project (related projects).

These projected traffic volumes, identified herein as the Future Base conditions, represent the future conditions without the Proposed Project. The traffic generated by the Proposed Project was then estimated and assigned to the surrounding street system. Project traffic was added to the Future Base conditions to form Future (year 2022) plus Project traffic conditions, which were analyzed to determine the incremental traffic impacts attributable to the Project itself.

The assumptions and analysis methodology used to develop each of the future year scenarios discussed above are described in more detail in the following sections.

***Background or Ambient Growth***

Based on historic trends and at the direction of LADOT, it was established that an ambient growth factor of 1% per year should be applied to adjust the existing base year traffic volumes to reflect the effects of regional growth and development by year 2022. This adjustment was applied to the existing (year 2017) traffic volume data to reflect the effect of ambient growth by the year 2022.

***Related Project Traffic Generation and Assignment***

Future Base traffic forecasts include the effects of known specific projects, called related projects, expected to be implemented in the vicinity of the proposed project site prior to the buildout date of the Proposed Project. The list of related projects was prepared based on data from LADOT. A total of 111 cumulative projects were identified in the study area; these projects are listed in Table II-6 and illustrated in Figure II-16 of the Project Description section.

***Trip Generation / Distribution***

Trip generation estimates for the related projects were calculated using a combination of previous study findings, publicly available environmental documentation, and trip generation rates contained in Trip Generation, 9th Edition. Table 6 in the Transportation Study presents the resulting trip generation estimates for these related projects. These projections are conservative in that they do not in every case account for either the existing uses to be removed or the possible use of non-motorized travel modes (transit, walking, etc.). Traffic mitigation measures associated with the related projects are also not in every case accounted for in the analysis.

The geographic distribution of the traffic generated by the related projects is dependent on several factors. These factors include the type and density of the proposed land uses, the geographic distribution of population from which employees and potential patrons of proposed commercial developments may be drawn, the locations of employment and commercial centers to which residents of residential projects may be drawn, and the location of the projects in relation to the surrounding street system. Additionally, if the traffic study or environmental document for a related project was available, the trip distribution from that study was used.

### **Future Year (2022) Base Traffic Volumes**

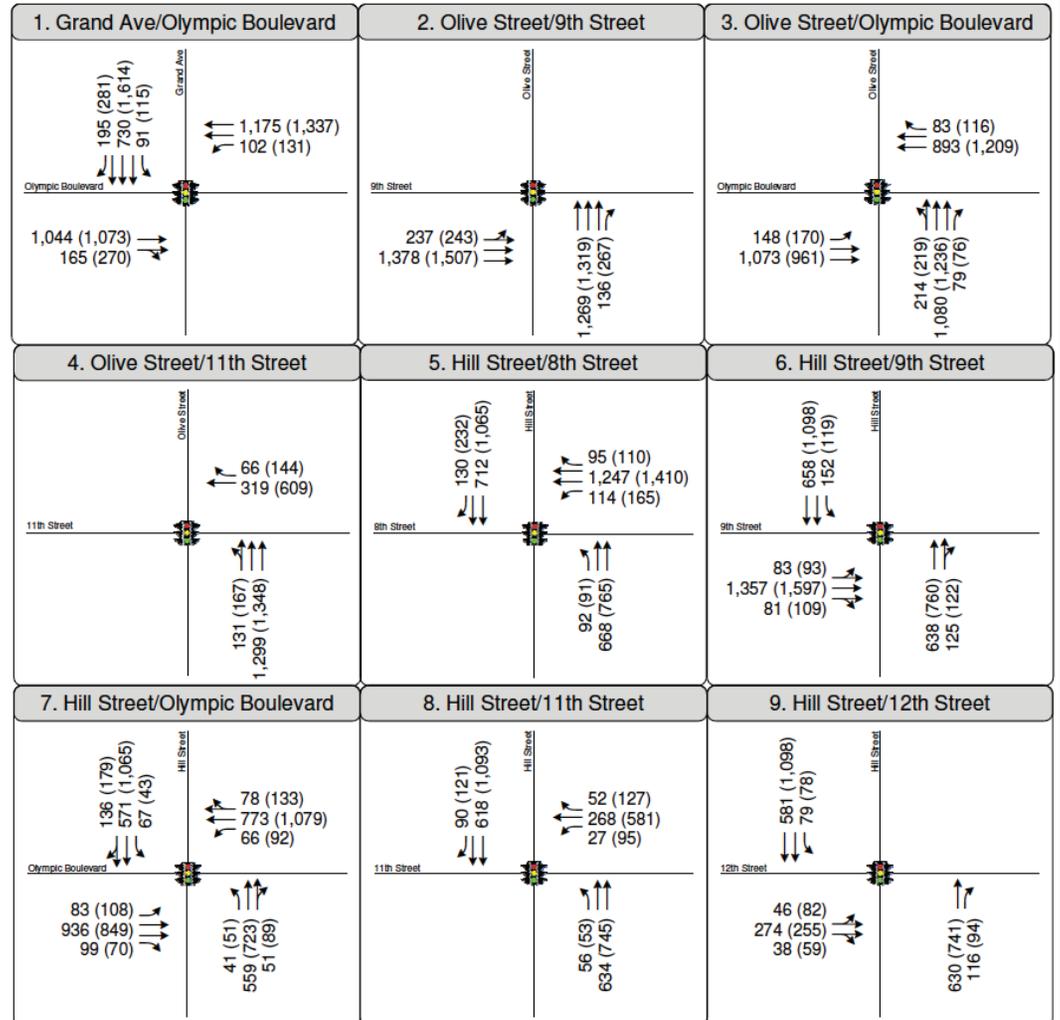
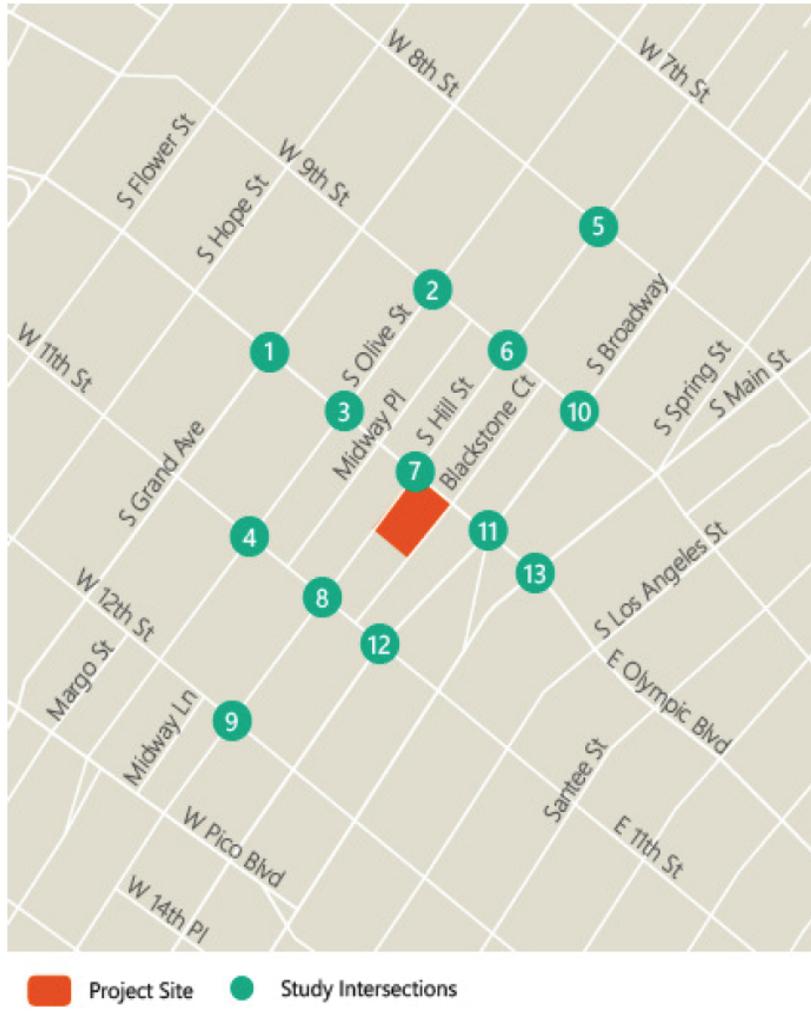
Future year 2022 base weekday AM and PM peak hour traffic volumes and lane geometries for the analyzed intersections are provided in Figure III-9 and Figure III-10, below. The Future Base traffic conditions represent an estimate of future conditions without the proposed Project inclusive of the ambient background growth and related projects traffic.

#### ***Future Base Traffic Conditions***

The year 2022 Future Base peak hour traffic volumes were analyzed to determine the projected V/C ratio and LOS for each of the analyzed intersections. Table III-35 summarizes the future LOS. All of the 13 signalized intersections analyzed for impacts are projected to operate at LOS D or better during the morning and afternoon peak hours under Future Base conditions. None of the study intersections are projected to operate at LOS E or worse during either of the peak hours under Future Base conditions.

#### ***Future Plus Project Traffic Conditions***

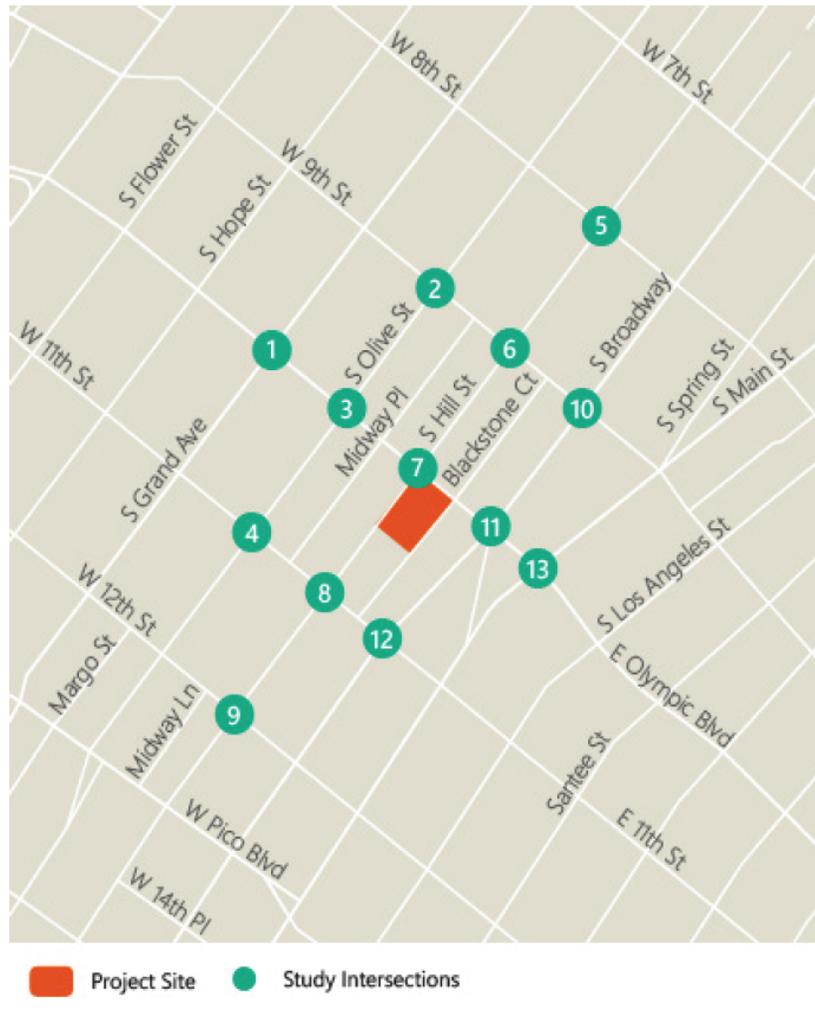
The resulting Future (year 2022) plus Project peak hour traffic volumes, provided in Figure III-11 and Figure-12, were analyzed to determine the projected future operating conditions with the addition of the Proposed Project traffic. The results of the Future (year 2022) plus Project analysis are also presented in Table III-35. All of the 13 signalized intersections analyzed for impacts are projected to operate at LOS D or better during the morning and afternoon peak hours under Future (year 2022) plus Project conditions during afternoon peak hour.



Source: Fehr & Peers, January 2018.



Figure III-9  
 Future (2022) Base Traffic Volumes - Intersections 1 - 9



10. Broadway/9th Street	11. Broadway/Olympic Boulevard	12. Broadway/11th Street
13. Main Street/Olympic Boulevard		

Source: Fehr & Peers, January 2018.

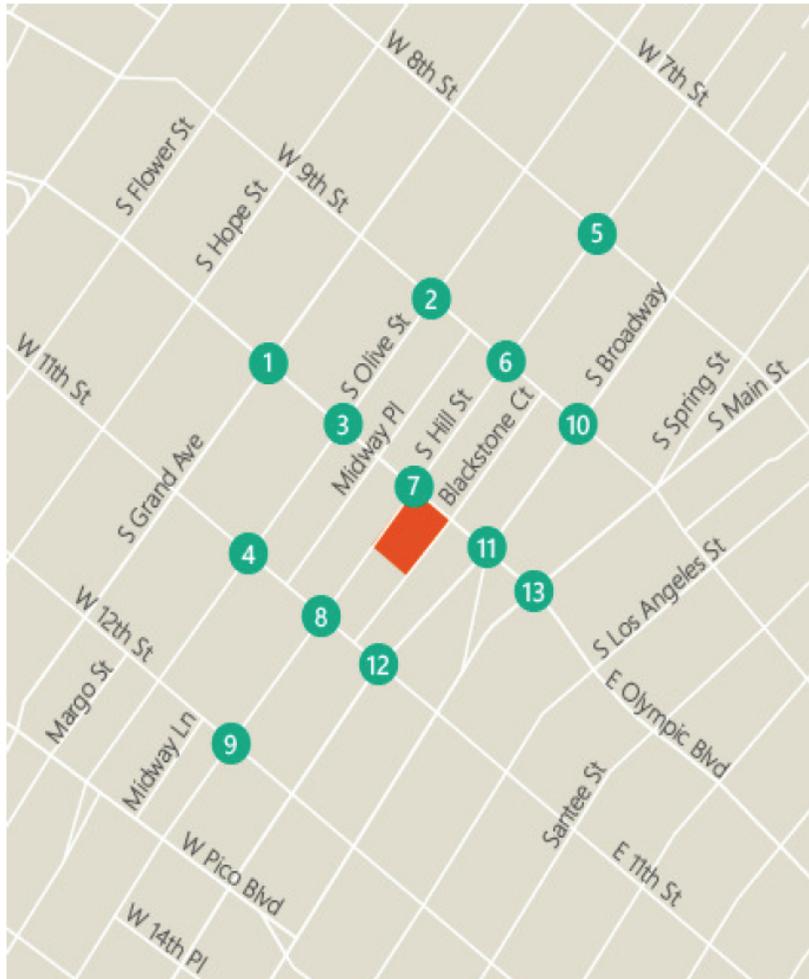
**Future Year (2022) Plus Project Intersection Impacts**

As shown in Table III-35, using the criteria for determination of significant impacts, it is determined that the Proposed Project would result in a significant impact at Olympic Boulevard & Hill Street (intersection #7) under Future (year 2022) plus Project conditions during the PM peak hour.

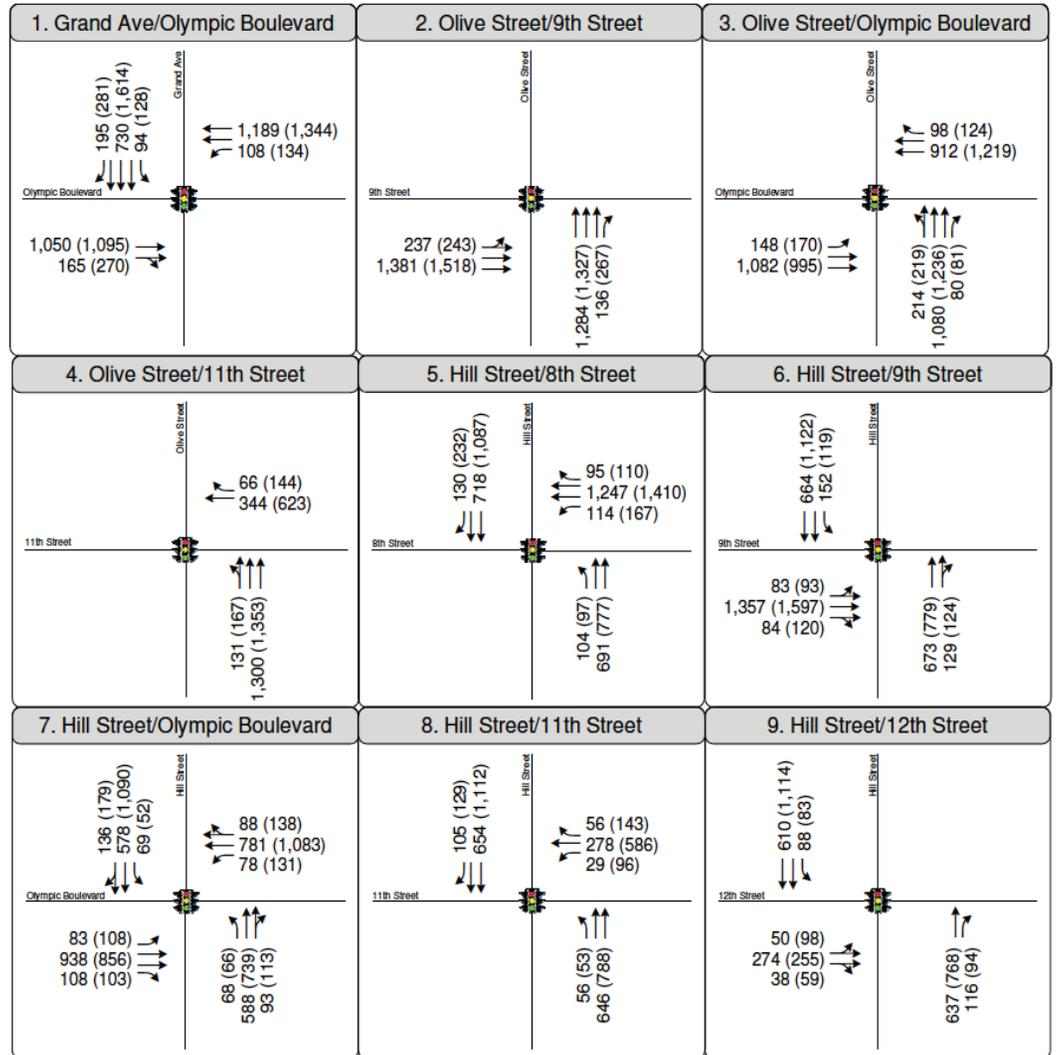
**Table III-35  
Future (2022) Plus Project Intersection Levels of Service and Impact Analysis**

No.	Intersection	Peak Hour	Future (2022)		Future (2022) Plus Project		V/C Increase	Significant Impact?
			V/C	LOS	V/C	LOS		
1.	Grand Avenue & Olympic Boulevard	AM	0.533	A	0.539	A	0.006	No
		PM	0.794	C	0.803	D	0.009	No
2.	Olive Street & 9 <sup>th</sup> Street	AM	0.541	A	0.545	A	0.004	No
		PM	0.582	A	0.586	A	0.004	No
3.	Olive Street & Olympic Boulevard	AM	0.584	A	0.590	A	0.006	No
		PM	0.740	C	0.743	C	0.003	No
4.	Olive Street & 11 <sup>th</sup> Street	AM	0.431	A	0.447	A	0.016	No
		PM	0.643	B	0.653	B	0.010	No
5.	Hill Street & 8 <sup>th</sup> Street	AM	0.615	B	0.625	B	0.010	No
		PM	0.786	C	0.797	C	0.011	No
6.	Hill Street & 9 <sup>th</sup> Street	AM	0.594	A	0.607	B	0.013	No
		PM	0.673	B	0.683	B	0.010	No
7.	Hill Street & Olympic Boulevard	AM	0.519	A	0.548	A	0.029	No
		PM	0.825	D	0.847	D	0.022	Yes
8.	Hill Street and 11 <sup>th</sup> Street	AM	0.322	A	0.341	A	0.019	No
		PM	0.687	B	0.697	B	0.010	No
9.	Hill Street & 12 <sup>th</sup> Street	AM	0.492	A	0.504	A	0.012	No
		PM	0.578	A	0.605	B	0.027	No
10.	Broadway & 9 <sup>th</sup> Street	AM	0.481	A	0.486	A	0.005	No
		PM	0.721	C	0.729	C	0.008	No
11.	Broadway & Olympic Boulevard	AM	0.545	A	0.563	A	0.018	No
		PM	0.833	D	0.847	D	0.014	No
12.	Broadway & 11 <sup>th</sup> Street	AM	0.317	A	0.319	A	0.002	No
		PM	0.675	B	0.695	B	0.020	No
13.	Main Street & Olympic Boulevard	AM	0.541	A	0.551	A	0.010	No
		PM	0.880	D	0.894	D	0.014	No

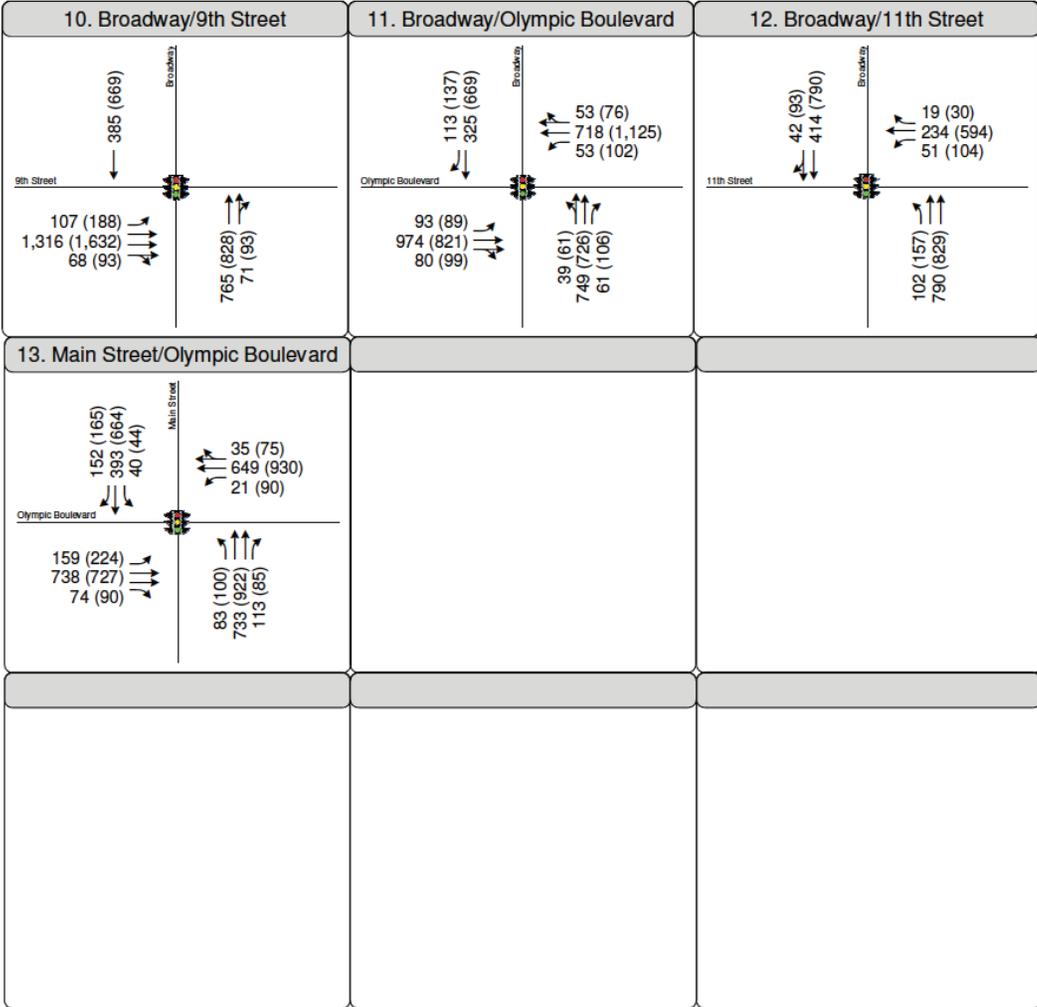
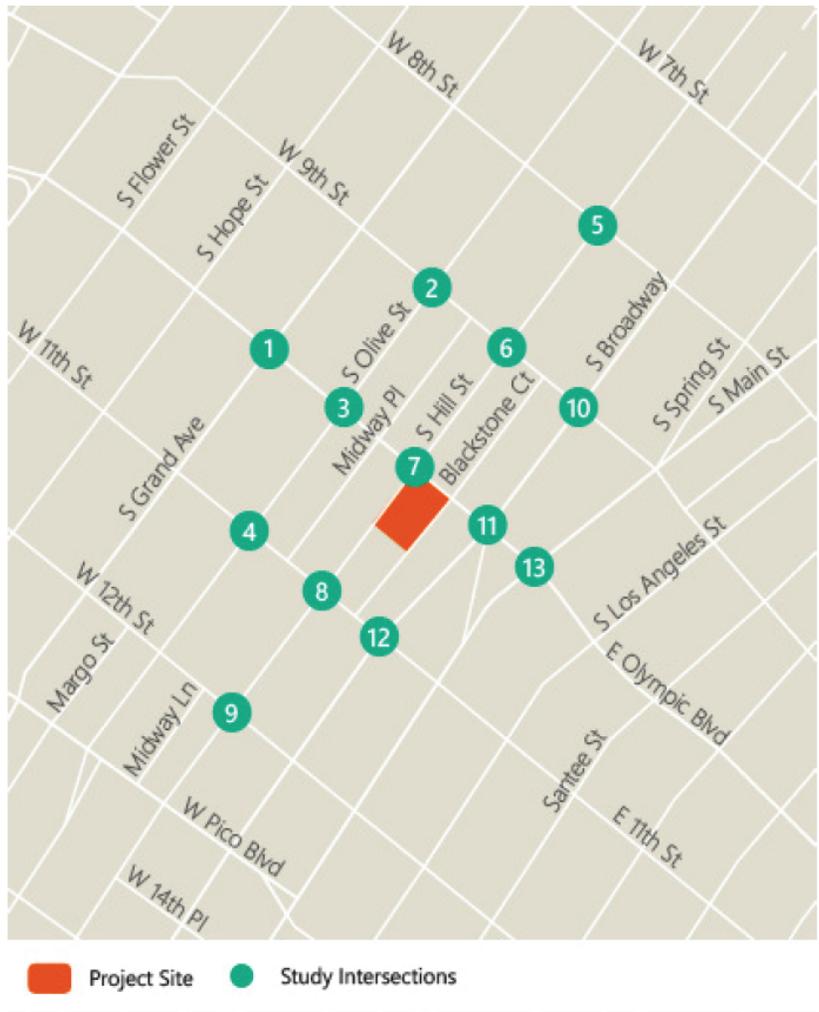
*Source: Fehr & Peers, January 2018.*



■ Project Site   
 ● Study Intersections



Source: Fehr & Peers, January 2018.



Source: Fehr & Peers, January 2018.



Figure III-12  
 Future (2022) Plus Project Traffic Volumes - Intersections 10 - 13

**Table III-36  
Mitigated Vehicle Trip Generation Estimate**

Trip Generation Rates								
Land Use (Land Use Code)	Size	Daily	AM Peak Hour			PM Peak Hour		
			Rate	In%	Out%	Rate	In%	Out%
High-Rise Residential (222, 232) <i>Internal Capture</i> <i>Less: TDM Credit</i>	700 du	4.20 3% 15%	0.34 15%	19% 2%	81% 1%	0.38 15%	62% 5%	38% 9%
Retail (820) <i>Less: Internal Capture</i> <i>Less: Transit Credit</i> <i>Less: Pass-by</i>	7 ksf	42.70 39% 5% 50%	0.96 15% 50%	62% 14%	38% 40%	3.71 15% 50%	48% 60%	52% 54%
Quality Restaurant (931) <i>Less: Internal Capture</i> <i>Less: Transit Credit</i> <i>Less: Pass-by</i>	8 ksf	89.95 24% 8% 10%	0.81 15% 10%	82% 33%	18% 0%	7.49 15% 10%	67% 25%	33% 47%
Estimated Trip Generation								
Land Use	Size	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
High-Rise Residential <i>Internal Capture</i> <i>Less: TDM Credit</i> <b><i>Net External Vehicle Trips</i></b>	700 du	2,940 (88) (427) <b>2,425</b>	45 (1) (6) <b>38</b>	193 (2) (28) <b>163</b>	238 (3) (34) <b>201</b>	165 (9) (23) <b>133</b>	101 (9) (13) <b>79</b>	266 (18) (36) <b>212</b>
Retail <i>Less: Internal Capture</i> <i>Less: Transit Credit</i> <b><i>Total Driveway Trips</i></b> <i>Less: Pass-by</i> <b><i>Net External Vehicle Trips</i></b>	7 ksf	299 (117) (9) 173 (86) <b>87</b>	4 (1) 0 3 (1) <b>2</b>	3 (1) 0 2 (1) <b>1</b>	7 (2) 0 5 (2) <b>3</b>	12 (7) (1) 4 (2) <b>2</b>	14 (8) (1) 5 (2) <b>3</b>	26 (15) (2) 9 (4) <b>5</b>
Quality Restaurant <i>Less: Internal Capture</i> <i>Less: Transit Credit</i> <b><i>Total Driveway Trips</i></b> <i>Less: Pass-by</i> <b><i>Net External Vehicle Trips</i></b>	8 ksf	720 (173) (44) 503 (50) <b>453</b>	5 (2) 0 3 0 <b>3</b>	1 0 0 1 0 <b>1</b>	6 (2) 0 4 0 <b>4</b>	40 (10) (5) 25 (2) <b>23</b>	20 (9) (2) 9 0 <b>9</b>	60 (19) (7) 34 (2) <b>32</b>
<b>Total Project Driveway Trips</b>		<b>3,101</b>	<b>44</b>	<b>166</b>	<b>210</b>	<b>162</b>	<b>93</b>	<b>255</b>
<b>NET External Vehicle Trips</b>		<b>2,965</b>	<b>43</b>	<b>165</b>	<b>208</b>	<b>158</b>	<b>91</b>	<b>249</b>
<i>Notes:</i> <i>du = dwelling unit; ksf = thousands of square feet of gross floor area</i> <i>Source: Fehr &amp; Peers, Olympic &amp; Hill Project Transportation Impact Analysis, January 2018.</i>								

**Table III-37  
Future (2022) Plus Project with Mitigation Intersection Levels of Service  
and Impact Analysis**

No.	Intersection	Peak Hour	Future (2022) Plus Project		V/C Increase	Significant Impact?	Future + Project w/ Mitigation		V/C Increase	Significant Impact?
			V/C	LOS			V/C	LOS		
7.	Hill Street & Olympic Boulevard	AM	0.548	A	0.029	No	0.545	A	0.026	No
		PM	0.847	D	0.022	Yes	0.844	D	0.019	No

*Source: Fehr & Peers, January 2018.*

The TDM+ tool developed by Fehr & Peers was used to quantify the potential trip reduction for the Project due to implementation of these TDM measures. The TDM+ tool is based on research conducted by Fehr & Peers under contract to the California Air Pollution Control Officers Association (CAPCOA) and elsewhere. It considers a variety of TDM strategies and the setting in which they may apply, estimates effectiveness for each, and applies caps when appropriate (for example, simply aggregating the effectiveness of individual TDM measures can sometimes yield a result that is overblown since more than one measure may be targeting the same trip). With the TDM+ tool, it was estimated that a net overall reduction in trips of approximately 15% could be achieved. The results of the TDM+ tool analysis are presented in Appendix F of the Transportation Study.

Upon discussion with LADOT, a 15% TDM credit was applied to the residential trip generation estimates for the Proposed Project. The mitigated trip generation estimate for the Proposed Project are presented in Table III-37. Table III-37 shows LOS and significant impact analysis results after implementation of the TDM program under Existing and Future plus Project conditions. After applying the aforementioned mitigation, the significant impact at the intersection of Olympic Boulevard & Hill Street would be reduced to a less than significant level. Refer to Mitigation Measure T-1 and T-2, below.

### **Mitigation Measure:**

#### **T-1: Compliance with LADOT Requirements**

The Applicant shall implement the project requirements detailed in DOT's communication to the Planning Department (DOT Case No. CEN 17-45630 dated July 12, 2017, attached) and as listed below:

#### **Construction Impacts**

DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should 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. DOT also recommends that construction related traffic be restricted to off-peak hours to the extent possible.

#### **Transportation Demand Management (TDM) Program**

A final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program should include, but not be limited to the following strategies:

The TDM program should include, but not be limited to the following strategies:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- Administrative support for the formation of carpools/vanpools;
- Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
- Establish bike and walk to work promotions;
- Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- Coupled with the unbundled parking, provide on-site car share amenities for residents;
- Guaranteed ride home program;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Coordinate with DOT to determine if the project location is eligible for a future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
- Provide on-site transit routing and schedule information;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Provide rideshare matching services;
- Preferential rideshare loading/unloading or parking location;
- Contribute a one-time fixed fee contribution of **\$50,000** to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.

#### Highway Dedication and Street Widening Requirements

The applicant should check with Bureau of Engineering's Land Development Group to determine the specific highway dedication, street widening and/or sidewalk requirements for this project.

#### Parking Requirements

The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

#### Driveway Access and Circulation

The traffic study indicates that two proposed driveways will provide access to the building's underground parking, including shared access for residents and retail and restaurant customers.

The conceptual site plan for the project illustrated in Attachment 3 is acceptable to DOT. However, the review of this study does not constitute approval of the driveway dimensions, access and circulation scheme. Those require separate review and approval and should be coordinated with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, @ 213-482-7024). In order to minimize and prevent last minute building design changes, the applicant should contact DOT, prior to the commencement of building or parking layout design efforts, for driveway width and internal circulation requirements. New driveways should be Case 2 - designed with a recommended width of 30 feet for two-way operations or 16 feet for one-way operations. Delivery truck loading and unloading should take place on site with no vehicles having to back into the project via the proposed project driveways on any adjacent street. However, the truck loading dock off of the alley (Blackstone Court) is acceptable.

#### Development Review Fees

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council in 2009 and updated in 2014. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

### **T-2: Transportation Demand Management Plan and Monitoring Program**

The Applicant shall prepare and submit a preliminary Transportation Demand Management (TDM) Plan to the Department of Transportation prior to the issuance of the first building permit for the Project. A final TDM Plan shall be submitted and approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the Project. The TDM Plan shall include strategies, as determined to be appropriate by the Department of Transportation, that would have a minimum fifteen (15) percent effectiveness in reducing new vehicle trips.<sup>60</sup> TDM program elements should include, but not be limited to, the strategies listed in Mitigation Measure T-1 and the following:

- Site Design – The site will be designed to encourage walking, biking, and transit. Amenities would include:
  - New sidewalks and street trees along the perimeter
  - Improved street and pedestrian lighting.
- Unbundled Parking – Unbundling parking typically separates the cost of purchasing or renting parking spaces from the cost of the purchasing or renting a dwelling unit. Saving money on a dwelling unit by forgoing a parking space acts as an incentive that minimizes

auto ownership. Similarly, paying for parking (by purchasing or leasing a space) acts as a disincentive that discourages auto ownership and trip-making.

- Bicycle Parking – As described in Chapter 7, the Project will provide both long term and short-term bicycle parking. In addition, the Project could provide complementary amenities such as a self-service bike repair area.

A Monitoring Program shall be prepared to provide continued monitoring of the TDM Plan's effectiveness. The Monitoring Program shall be prepared by a licensed Transportation Engineer and be submitted to the Department of Transportation for review. The Monitoring Program shall continue until such time that the Project has shown, for three consecutive years, at a minimum of 85 percent occupancy, a minimum fifteen (15) percent effectiveness in reducing new vehicle trips through implementation of the TDM Plan. Should the review show that the trip reductions have not been met, the Project shall have one year to attain compliance or be subject to a penalty program.

## **Construction Traffic**

### ***Temporary Traffic Impacts***

Full-time closure of the sidewalk and one parking lane on a portion of Hill Street, on the east side along the project frontage, is anticipated for the duration of the project. Additionally, one vehicular travel lane along the project frontage would be closed for a portion of the construction phase. Pedestrian and vehicular access to nearby businesses will remain open during the construction period. Hill Street is classified as an Avenue II.

Full-time closure of the sidewalk on Olympic Boulevard, on the south side along the project frontage, is anticipated for the duration of the project. Additionally, one vehicular travel lane along the project frontage would be closed for a portion of the construction phase. Olympic Boulevard is classified as an Avenue I. In addition, there are no emergency services in the immediate vicinity of the affected streets. Since the closures during construction would be for the parking lane and one travel lane each on Hill Street and Olympic Boulevard, the temporary construction impacts on the roadway network would be considered less than significant.

The intersection of Hill Street & Olympic Boulevard operates at LOS A in the AM peak hour and LOS B in the PM peak hour under existing conditions and would to operate at LOS A during the AM peak hour and at LOS D during the PM peak hour under cumulative conditions. The intersection of Hill Street & 11<sup>th</sup> Street operates at LOS A during both peak hours under existing conditions and would operate at LOS A during the AM peak hour and LOS B during the PM peak hour under cumulative conditions. The intersection of Broadway & Olympic Boulevard operates at LOS A during the AM peak hour and LOS B during the PM peak hour under existing conditions and would operate at LOS A during the AM peak hour and LOS D during the PM peak hour, under cumulative conditions. Worksite traffic control plans would be prepared for any temporary vehicle lane, parking lane, or sidewalk closures in accordance with applicable City and MUTCD guidelines.

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***Temporary Loss of Access***

Pedestrian and vehicular access to properties located near the Project Site would be open and unobstructed for the duration of construction. Since the Project construction would not block any vehicle or pedestrian access to other parcels fronting the construction area, impacts would be less than significant.

***Temporary Loss of Bus Stops or Rerouting of Bus Lines***

A bus stop is located on Hill Street along the Project frontage that currently serves nine different local, limited, rapid, and shuttle bus services. This stop would need to be relocated during construction of the Proposed Project. Since many of the bus routes turn from Hill Street onto Olympic Boulevard or 11<sup>th</sup> Street, the bus stop might be relocated further south on the same block, just north of 11<sup>th</sup> Street, in order to minimize disruption and obviate rerouting. Doing so would require temporarily closing five additional on-street parking spaces on Hill Street, the significance of which is discussed below. There are no bus stops near the Project Site on Olympic Boulevard. With relocation of the bus stop on the same block, the construction impacts on transit operations would be less than significant.

***Temporary Loss of On-Street Parking***

Construction would require temporary parking restrictions along the project frontage of Hill Street to accommodate the construction area footprint. A total of four metered spaces would require temporary parking restrictions during this time, but could extend for the entire duration of construction. Additionally, in order to accommodate relocation of the bus stop from the project frontage to just north of 11<sup>th</sup> Street, five metered spaces would require parking restrictions during project construction. Per the provisions in the California Public Resources Code Section 21099, which implements SB 743, parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment. As such, temporary parking impacts would be less than significant.

***Construction Period Trip Generation***

Based on the aforementioned information, a construction period trip generation analysis was conducted for each phase of construction to estimate daily, morning and evening peak hour passenger car equivalent (PCE) trips. Construction workers often travel to and from a worksite outside of the typical peak commute hours. For the purpose of the analysis, it was assumed that up to 40% of the construction workers would arrive during the peak morning commute hour and 40% would depart during the peak evening commute hour. Haul and delivery/equipment trucks were assumed to occur evenly throughout the 9-hour construction day. A PCE factor of 2.5 was used for vendor, haul, and delivery trucks.

On a peak construction activity day, a total of up to 940 daily PCE trips are estimated to occur, of which 166 PCE trips would occur during each of the morning and evening peak hours. As such, the peak construction activity would generate fewer daily and peak hour trips than are projected for the Project once it is completed and occupied.

Although significant construction impacts are not anticipated, the influx of this material and equipment could create less than significant impacts on the adjacent roadway network based on the following considerations:

1. There may be intermittent periods when large numbers of material deliveries are required, such as when concrete trucks would be needed for the parking garage and the buildings.
2. Some of the materials and equipment could require the use of large trucks (18-wheelers), which could create additional congestion on the adjacent roadways.
3. Delivery vehicles may need to park temporarily on adjacent roadways as they deliver their items. Based on experience, it is not uncommon for these types of deliveries to result in temporary lane closures.

Impacts related to construction traffic were found to be less than significant. In addition, the peak construction activity would generate fewer daily and peak hour trips than are projected for the Proposed Project once it is completed and occupied. While mitigation measures are not required to mitigate any significant impacts during construction, the Applicant has proposed to implement a construction management control plan as project design feature (see Mitigation Measure T-3, below). No further mitigation measures would be required.

**Mitigation Measure:**

**T-3: Construction Management Plan**

- The following will be implemented prior to construction:
  - As traffic lane, parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.
  - Ensure that access will remain unobstructed for land uses in proximity to the project site during project construction.
  - Coordinate with the City and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.

**b) Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

**Less Than Significant Impact.** A significant impact would occur if the project conflicts with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. The Transportation Impact Analysis presented in Appendix H to this MND included a regional transportation system impact analysis in accordance with the procedures outlined in Congestion Management Program for Los Angeles County (CMP) (Metro, 2010). The CMP requires that, when an environmental impact report is prepared for a project, traffic and transit impact analyses be

conducted for select regional facilities based on the quantity of project traffic expected to use those facilities.

In addition, *Agreement Between City of Los Angeles and Caltrans District 7 on Freeway Impact Analysis Procedures* sets forth criteria for when a freeway impact analysis should be conducted. In December 2015, the City of Los Angeles and Caltrans District 7 signed an extension of the agreement and adjusted the ramp capacity to 850 vehicles per hour per lane for the freeway ramp screening analysis. LADOT determined as part of the traffic study memorandum of understanding for the project (see Appendix A) that the project would not meet these criteria for requiring a freeway impact analysis.

The CMP guidelines require that the first issue to be addressed is the determination of the geographic scope of the study area. The criteria for determining the study area for CMP arterial monitoring intersections and for freeway monitoring locations are:

- All CMP arterial monitoring intersections where the proposed project will add 50 or more trips during either the AM or PM peak hours of adjacent street traffic.
- All CMP mainline freeway monitoring locations where the proposed project will add 150 or more trips, in either direction, during either the AM or PM peak hours.

#### Significant Traffic Impact Criteria

The CMP traffic impact analysis guidelines establish that a significant project impact occurs when a certain threshold is exceeded. If the proposed project increases traffic demand on a CMP facility by 2% of capacity ( $V/C \geq 0.02$ ), causing LOS F ( $V/C > 1.00$ ), a significant impact would occur. If the facility is already at LOS F, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ( $V/C \geq 0.02$ ).

#### Arterial Monitoring Analysis

None of the study area intersections are CMP arterial monitoring locations. The CMP arterial monitoring station closest to the proposed project site is located at Wilshire Boulevard & Alvarado Street located approximately 1.5 miles northwest of the project site. Based on the project trip distribution and trip generation, the Project is not expected to add 50 peak hour vehicle trips through the CMP arterial monitoring station. Project trips are anticipated to disperse among the transportation network due to the extended distance between the project site and the monitoring station. The proposed project is not expected to add enough new traffic to exceed the arterial analysis criteria of 50 vehicle trips at the above-mentioned location. Therefore, no further CMP arterial analysis is required.

#### Freeway Analysis

Regional access to the project site is provided by the Interstate 10, State Route (SR) 110, and US-101 Freeways. Interstate 10 lies approximately 0.7 miles south of the site, State Route 110 lies approximately 0.7 miles to the west of the site, and US-101 lies approximately 1.5 miles northeast of the site. The CMP freeway monitoring stations closest to the project site include the I-10 Freeway at Budlong Avenue, SR 110 at the US-101 Freeway interchange, and US-101 Freeway north of Vignes Street.

Based on the project distribution patterns shown in Figure 5, approximately 5% of project traffic is expected to travel through all three monitoring stations. According to the trip generation estimates shown in Table 4, the project is projected to result in an increase of 12 trips in the morning peak hour and 14 trips in the evening peak hours at the monitoring stations. Since fewer than 150 trips would be added during the AM or PM peak hours in either direction at any of the freeway segments in the vicinity of the study area, no further analysis of the freeway segments is required for CMP purposes.

### Regional Transit Impact Analysis

Potential increases in transit person trips generated by the proposed project were estimated. Appendix B-4 of the 2010 CMP provides a methodology for estimating the number of transit trips expected to result from a proposed project based on the projected number of vehicle trips. This methodology assumes an average vehicle ridership (AVR) factor of 1.4 in order to estimate the number of person trips to and from the project and then provides guidance regarding the percentage of person trips assigned to public transit depending on the type of use (commercial/other versus residential) and the proximity to transit services. Appendix B-4 of the 2004 CMP recommends observing the fixed-route local bus services within ¼ mile of the project site and express bus routes and rail service within two miles of the project site.

The Project Site is served by a high level of public transit. The Project is located approximately one half-mile northeast of the Metro Pico Station and approximately 0.7 miles southeast of the 7<sup>th</sup> Street/Metro Center Station. Thirty-seven local, limited, express, rapid, and shuttle bus routes run within a ¼-mile of the project site, including: Metro local, Metro Rapid, Foothill Transit rapid, DASH, LADOT Commuter Express, and Big Blue Bus rapid routes. Additional details and maps of the transit service near the Project Site is provided in Appendix H.

As part of the trip generation estimates presented in Table III-32, no transit credit was taken on the residential land use. A transit credit of 15% was taken, in consultation with LADOT, for the commercial land uses. Excluding the transit credit in Table 4, the proposed project would have an estimated increase in vehicle trip generation of approximately 242 net vehicle trips during the AM peak hour and 294 during the PM peak hour before the transit credit. Applying the AVR factor of 1.4 to the estimated vehicle trips would result in an estimated increase of approximately 339 and 412 person trips during the AM and PM peak hours, respectively. Applying the 15% transit trips, the project would generate an estimated increase of 51 transit trips during the AM peak hour and 62 transit trips during the PM peak hour. Given the frequency of the transit service in close proximity to the project site, the incremental transit riders resulting from the project are not anticipated to result in a significant impact on the transit lines serving the area.

Therefore, based on the analysis summarized above, the Proposed Project would not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways and the project regional traffic impacts would be less than significant.

**c) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

**No Impact.** A significant impact would occur if the proposed project would cause a change in air traffic patterns that would result in a substantial safety risk. The Proposed Project does not include any aviation-related uses and would have no airport impact. It would also not require any modification of flight paths for the existing airports in Los Angeles. Therefore, no impact would occur.

**d) Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**Less Than Significant Impact.** A significant impact may occur if the Proposed Project includes new roadway design or introduces a new land use or features into an area with specific transportation requirements and characteristics that have not been previously experienced in that area, or if Project Site access or other features were designed in such a way as to create hazard conditions.

The Proposed Project would not include unusual or hazardous design features. Current vehicular access to the Project Site is provided by a full access driveways into the surface parking lot along Hill Street and Olympic Boulevard. The Proposed Project would retain the existing driveway along Hill Street and would provide an additional vehicle entrance through Blackstone Court. Additionally, the Proposed Project does not include any sharp curves, dangerous intersections, or incompatible uses. No offsite traffic improvements are proposed in the area surrounding the Project Site. As such, the Proposed Project would not include new vehicular access driveways that could potentially conflict with pedestrian circulation and traffic. Therefore, the Proposed Project would not substantially increase hazards due to design features or incompatible uses, and no impact would occur.

**e) Would the project result in inadequate emergency access?**

**Less Than Significant Impact.** A significant impact may occur if the Project design would not provide emergency access meeting the requirements of the LAFD, or in any other way threatened the ability of emergency vehicles to access and serve the Project Site or adjacent uses.

As previously discussed in Section VIII(h), the Proposed Project is not located on or near an adopted emergency response or evacuation plan. Development of the Project Site may require temporary and/or partial street closures due to construction activities. However, any such closures would be temporary in nature and would be coordinated with the Departments of Transportation, Building and Safety, and Public Works. Nonetheless, while such closures may cause temporary inconvenience, they would not be expected to substantially interfere with emergency response or evacuation plans. Therefore, the impacts would be less than significant.

As described in Section XIV(a), the Proposed Project would satisfy the emergency response requirements of the LAFD. There are no hazardous design features included in the access design or site plan for the Proposed Project would be reviewed and approved by DOT. Furthermore, the Proposed Project would be subject to the site plan review requirements of the LAFD and the LAPD to ensure that all access roads, driveways and parking areas would remain accessible to emergency service vehicles. Therefore, the

Proposed Project would not be expected to result in inadequate emergency access, and the impact would be less than significant.

**f) Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycles, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

**No Impact.** A significant impact may occur if the Proposed Project would conflict with adopted policies or involve modification of existing alternative transportation facilities located on- or off-site. The Proposed Project would not require the disruption of public transportation services or the alteration of public transportation routes. As discussed in the Traffic Study, the proposed Project would generate an estimated increase of 51 transit trips during the AM peak hour and 62 transit trips during the PM peak hour. Given the frequency of the transit service in the Project area, the incremental transit riders resulting from the Proposed Project are not anticipated to result in a significant impact on transit lines serving the area. The Proposed Project would promote the use of public transportation and alternate modes of transportation such as walking and biking, which is consistent with the goals of the 2016 Regional Transportation Program/Sustainable Community Strategy. Furthermore, the Proposed Project would not interfere with any Class I or Class II bikeway systems. There are no Class I bikeways within the vicinity of the Project Site. Neither Hill Street nor Olympic Boulevard are designated bike routes, thus the Proposed Project would not directly impact a designated bikeway. However, in the Project vicinity there are two designated Class II bike routes; Main Street and Olive Street are designated bike lanes in the 2010 Bicycle Plan.<sup>61</sup> Due to the Project's proximity to these designated bikeways, the Proposed Project would promote the use of bikes as an alternate mode of transportation. Since the Proposed Project would not modify or conflict with any alternative transportation policies, plans or programs, it would have no impact on such programs. The Project complies with all applicable bicycle and pedestrian-friendly policies, plans and programs.

**Cumulative Impacts**

**Less Than Significant Impact.** Development of the Proposed Project in conjunction with the 86 related projects would result in an increase in average daily vehicle trips and peak hour vehicle trips in the Central City Community Plan Area. As noted in Table III-35 and Table III-37, above, all increases in V/C ratios in the AM peak hour and PM peak hour would be less than the threshold for a significant impact to occur and the Proposed Project's contribution to cumulative impacts is less than significant for all of the study intersections analyzed. Therefore, the Proposed Project's cumulative impact is considered less than significant.

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<sup>61</sup> *The 2010 Bicycle Plan was integrated into the Mobility Plan 2035 Bicycle Network and is a part of the Transportation Element of the General Plan.*

## XVII. TRIBAL CULTURAL RESOURCES

**Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or**
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?**

Approved by Governor Jerry Brown on September 25, 2014, Assembly Bill 52 (AB 52) establishes a formal consultation process for California Native American Tribes to identify potential significant impacts to Tribal Cultural Resources, as defined in Public Resources Code Section 21074, as part of CEQA. Effective July 1, 2015, AB 52 applies to projects that file a Notice of Preparation or Notice of Negative Declaration/Mitigated Negative Declaration on or after July 1, 2015. As specified in AB 52, lead agencies must provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if the tribe has submitted a written request to be notified. The tribe must respond to the lead agency within 30 days of receipt of the notification if it wishes to engage in consultation on the project, and the lead agency must begin the consultation process within 30 days of receiving the request for consultation.

**Potentially Significant Unless Mitigation Incorporated.** As noted above, the Proposed Project would require excavations to a depth of approximately 80 feet below grade for the seven-level subterranean parking garage. As such, it is possible that unknown tribal cultural resources could be discovered on the Project Site, and if proper care is not taken during construction, damage to or destruction of these unknown remains could occur.

Public Resources Code Section 21084.2 establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” A project would cause a substantial adverse change in the significance of a tribal cultural resource with cultural value to a California Native American tribe if such resource is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or if such resource is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. PRC 5024.1(c) states that “[a] resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

As discussed in response to Checklist Question 5.b (Cultural Resources, Archeological Resources), the Project Site and immediately surrounding areas do not contain any known archaeological sites or archaeological survey areas.<sup>62</sup> The Project Site is located in a highly urbanized area of the Central City Community Plan Area of the City of Los Angeles, and has been partially disturbed by past development activities along with associated control/maintenance of existing buildings. The Proposed Project includes subgrade preparation that would involve the excavation and export of approximately 206,100 cubic yards of soil. Thus, the potential exists for the accidental discovery of archaeological materials. Because the presence or absence of such materials cannot be determined until the site is excavated, periodic monitoring during construction is required to identify any previously unidentified archaeological resources uncovered by Project construction activity. With the implementation of Regulatory Compliance Measures described in Section V(b), potential impacts to archaeological resources would be less than significant.

Additionally, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. Pursuant to the procedures imposed by AB 52, pre-consultation request letters were sent on December 1, 2017 to the local Native American Tribal representatives who are on file with the Department of City Planning as having requested to be notified of future development projects. The City of Los Angeles received one request from the Gabrieleno Band of Mission Indians – Kizh Nation (Gabrieleno Band) to consult. On January 18, 2018, the City of Los Angeles began the consultation process with the Gabrieleno Band by phone. No substantial evidence of a tribal cultural resource was provided at the time, but the Gabrieleno Band did request additional information from the City of Los Angeles on the historical uses, as well as the existing soil and geologic conditions, of the subject site. On February 2, 2018, the City of Los Angeles provided the requested information by email, and again requested substantial evidence, if any, of tribal cultural resource(s) on the site or in the surrounding area by February 16, 2018. No additional information of any kind was received from the Gabrieleno Band. Additionally, the lead agency requested a Sacred Lands File (SLF) Search through the Native American Heritage Commission (NAHC) on December 1, 2017. In response to the SLF Search, the NAHC provided a written response on December 15, 2017, concluding that a search of the SFL was completed for the project with negative results but recommending that the lead agency contact all of the listed Tribes. As noted, all of the listed Tribes have been contacted with AB 52 consultation request letters, and no substantial evidence of tribal cultural resources was received. Therefore, because the Project Site has been subject to ground disturbance activities in the past and is not known to be associated with any cultural or

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<sup>62</sup> *City of Los Angeles Department of City Planning, Environmental and Public Facilities Maps: Prehistoric and Historic Archaeological Sites and Survey Areas in the City of Los Angeles, September 1996.*

sacred sites, and the Native American Tribal Representative that requested consultation for the Project did not provide any substantial evidence, the probability for the discovery of a known site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe is considered low. Nevertheless, Mitigation Measure TRI-1, in combination with the regulatory compliance measures referenced above, has been included to address inadvertent discovery of tribal cultural resources to ensure that impacts to tribal cultural resources remain less than significant during Project construction.

### **Mitigation Measure**

- TRI-1** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities<sup>63</sup>, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
- a. Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
  - b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
  - c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
  - d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
  - e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.

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<sup>63</sup> *Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity*

- f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

## XVIII. UTILITIES AND SERVICE SYSTEMS

### a) **Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

**Less Than Significant Impact.** A significant impact would occur if a project exceeds wastewater treatment requirements of the applicable Regional Water Quality Control Board. Section 13260 of the California Water Code (CWC) states that persons discharging or proposing to discharge waste that could affect the quality of the waters of the State, other than into a community sewer system, shall file a Report of Waste Discharge (ROWD) containing information which may be required by the appropriate Regional Water Quality Control Board (RWQCB). The RWQCB then authorizes an NPDES permit that ensures compliance with wastewater treatment and discharge requirements. The Los Angeles RWQCB (LARWQCB) enforces wastewater treatment and discharge requirements for properties in the Project area.

Wastewater from the Project Site is conveyed via municipal sewage infrastructure maintained by the Los Angeles Bureau of Sanitation to the Hyperion Water Reclamation Plant (HWRP). The HWRP is a public facility and is subject to the State's wastewater treatment requirements. Wastewater from the Project Site is and would continue to be treated according to the wastewater treatment requirements enforced by the LARWQCB. Therefore, impacts associated with wastewater treatment requirements would be less than significant.

### b) **Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Less Than Significant Impact.** A significant impact may occur if a project would increase water consumption or wastewater generation to such a degree that the capacity of facilities currently serving the Project Site would be exceeded. Based on the *L.A. CEQA Thresholds Guide*, the determination of whether a project results in a significant impact on water shall be made considering the following factors: (a) the total estimated water demand for the project; (b) whether sufficient capacity exists in the water infrastructure that would serve the project, taking into account the anticipated conditions at project

buildout; (c) the amount by which the project would cause the projected growth in population, housing or employment for the Community Plan area to be exceeded in the year of the project completion; and (d) the degree to which scheduled water infrastructure improvements or project design features would reduce or offset service impacts.

#### *Water Treatment Facilities and Existing Infrastructure*

The Los Angeles Department of Water and Power (LADWP) ensures the reliability and quality of water supply through an extensive distribution system that includes more than 7,200 miles of pipes, more than 100 storage tanks and reservoirs within the City, and eight storage reservoirs along the Los Angeles Aqueducts. Much of the water flows north to south, entering Los Angeles at the Los Angeles Aqueduct Filtration Plant (LAAFP) in Sylmar, which is owned and operated by LADWP. Water entering the LAAFP undergoes treatment and disinfection before being distributed throughout the LADWP's Water Service Area. The LAAFP has the capacity to treat approximately 600 million gallons per day (mgd).<sup>64</sup> The average plant flow is approximately 450 mgd during the non-summer months and 550 mgd during the summer months, and operates at between 75 and 90 percent capacity. Therefore, the LAAFP has a remaining capacity of treating approximately 50 to 150 mgd, depending on the season.

As part of the application process, the Applicant has submitted a water supply assessment to the LADWP to ensure there is adequate water supply available to serve the Proposed Project. As part of the WSA request, the Applicant has committed to implement the following water conservation measures that are in addition to those required by codes and ordinances for the entire Project:

1. High Efficiency Toilets with flush volume of 1.0 gallons of water per flush
2. Energy Star Certified Clothes Washers (Residential) – water factor of 3.2 and capacity of 4.5 cu-ft, front loading
3. Showerheads with flow rate of 1.5 gallons per minute or less
4. Drought Tolerant Plants – 70% of total landscaping
5. Domestic Water Heating System located close proximity to point(s) of use
6. Individual Metering and billing for water use for every residential dwelling unit and commercial unit
7. Drip/Subsurface Irrigation (Micro-Irrigation)
8. Proper Hydro-zoning (groups plants with similar water requirements together) Zoned Irrigation

The Los Angeles Board of Water and Power Commissioners adopted the WSA for the Project at their August 15, 2017, meeting. A copy of the adopted Resolution No. 018 033 is included in Appendix J in the WSA.

The Applicant shall also comply with the City of Los Angeles Low Impact Development Ordinances (City Ordinance No. 181899 and No.183833) and to implement Best Management Practices that have

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<sup>64</sup> *Los Angeles Department of Water and Power, website:*  
*<http://wsoweb.ladwp.com/Aqueduct/historyoflaa/waterquality.htm>, accessed May 2017.*

stormwater recharge or reuse benefits for the entire Project as feasible, pending final determination. With these measures, LADWP has sufficient supply to provide water for the Proposed Project.

As shown in Table III-38 below, the Proposed Project would generate a net increase in water demand of approximately 80,392 gallons per day (gpd) of water (or 90 acre feet per year), significantly below available capacity. Because the Proposed Project is consistent with the zoning and General Plan land use designations, which form the basis for the LADWP's future year water demand and availability forecasts, and the Project's population growth is within SCAG's forecast, the Proposed Project's increased water demand would not measurably reduce the LAAFP's treatment capacity; therefore, no new or expanded water treatment facilities would be required. With respect to water treatment facilities, the Proposed Project would have a less-than-significant impact.

**Table III-38  
Proposed Project Estimated Water Demand**

Type of Use	Size	Water Demand Rate (gpd/unit) <sup>a</sup>	Total Water Demand
<b>Existing Uses</b>			
Surface Parking Lot and Driveway	50,617 sf	0 gpd/sf	0
<b>Proposed Project</b>			
<b>Residential Units (700 total du)</b>			
Studio	140 du	90 gpd/du	12,600 gpd
One Bedroom	352 du	132 gpd/du	46,464 gpd
Two-Bedroom	203 du	180 gpd/du	36,540 gpd
Three-Bedroom	5 du	228 gpd/du	1,140 gpd
Landscape	--	--	453 gpd <sup>b</sup>
<b>Commercial</b>			
Retail	7,000 sf	30 gpd/sf	210 gpd
Restaurant	8,000 sf	36 gpd/seat	19,188 gpd
<b>Baseline Additional Water Demand:</b>			<b>116,595 gpd</b>
<b>Water Conservation Reduction<sup>c</sup></b>			<b>31%</b>
<b>Net Water Demand</b>			<b>80,392 gpd (90 AF/Y)</b>
<i>Notes: sf =square feet; du = dwelling units, gpd: gallons per day</i> <sup>a</sup> Consumption Rates based on 120% of the City of Los Angeles Department of Public Works, Bureau of Sanitation, Sewage Generation Factor for Residential and Commercial Categories, effective April 6, 2012. <sup>b</sup> The Landscape Water Budget was provided by Carter, Romanek Landscape Architects Inc., which assumes approximately 165,415 gallons per year. <sup>c</sup> Pursuant to LADWP Resolution No. 018033, LADWP determined that the Proposed Project's net increase in water demand would be 90 acre feet with implementation of the developer's water conservation commitments. See Appendix J to this MND. Parker Environmental Consultants, 2017.			

Based on communication from the LADWP, the Project Site is currently serviced by a 24" main along the south side of Olympic Boulevard. The static water pressure in the main ranges from 68 psi to 69 psi. LADWP approved a proposed service line off this water main along the east side of Hill Street. With approval of a main line extension, LADWP would be able to provide the required fire flow for the Proposed Project.<sup>65</sup> The water system would be verified again at the time of construction. In the event that water main and/or other infrastructure upgrades are required for the proposed development, such infrastructure improvements would be conducted within the right-of-way easements serving the Project area, and would not create a significant impact to the physical environment. This is largely due to the fact that (a) any disruption of service would be short-term, (b) the replacement of the water mains would be within public rights-of-way, and (c) any foreseeable infrastructure improvements would be limited to the immediate Project vicinity. Therefore, potential impacts resulting from water infrastructure improvements would be less than significant.

#### *Wastewater Treatment Facilities and Existing Infrastructure*

Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally have a significant wastewater impact if: (a) the project would cause a measurable increase in wastewater flows to a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained; or (b) the project's additional wastewater flows would or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements.

The Los Angeles Bureau of Sanitation (BOS) provides sewer service to the Proposed Project area. Sewage from the Project Site is conveyed via sewer infrastructure to the Hyperion Water Reclamation Plant (HWRP). The Hyperion Water Reclamation Plant treats an average daily flow of 275 million gallons per day (mgd) on a dry weather day. Because the amount of wastewater entering the HWRP can double on rainy days, the plant was designed to accommodate both dry and wet weather days with a maximum daily flow of 450 mgd and a peak wet weather flow of 800 mgd.<sup>66</sup> This equals a remaining capacity of 175 mgd of wastewater able to be treated at the HWRP. As shown in Table III-39, the Proposed Project would generate a net increase of approximately 66,993 gpd of wastewater, representing a fraction of one percent of the available capacity.

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<sup>65</sup> City of Los Angeles, Los Angeles Department of Water and Power, written correspondence re: Fire Service Pressure Flow Report, May 1, 2017 (See Appendix K to this IS/MND).

<sup>66</sup> City of Los Angeles Department of Public Works, Bureau of Sanitation, Hyperion Water Reclamation Plant, website: [https://www.lacitysan.org/san/faces/wcnav\\_externalId/s-lsh-wwd-cw-p-hwrp?\\_adf.ctrl-state=t4yrq0jkq\\_4&\\_afLoop=10780400868530458#!](https://www.lacitysan.org/san/faces/wcnav_externalId/s-lsh-wwd-cw-p-hwrp?_adf.ctrl-state=t4yrq0jkq_4&_afLoop=10780400868530458#!), accessed May 2017.

**Table III-39  
Proposed Project Estimated Wastewater Generation**

Type of Use	Size	Wastewater Generation Rate (gpd/unit) <sup>a</sup>	Total Wastewater Generation (gpd)
<b>Existing Uses</b>			
Surface Parking Lot and Driveway	50,617 sf	0 gpd/sf	0
<b>Proposed Project</b>			
<b>Residential Units (700 total du)</b>			
Studio	140 du	75 gpd/du	10,500
One Bedroom	352 du	110 gpd/du	38,720
Two-Bedroom	203 du	150 gpd/du	30,450
Three-Bedroom	5 du	190 gpd/du	950
<b>Commercial</b>			
Retail	7,000 sf	25 gpd/sf	175
Restaurant (533 seats)	8,000 sf	30 gpd/seat	16,000
<b>Baseline Wastewater Generation:</b>			<b>96,795</b>
<b>Water Conservation Reduction <sup>b</sup></b>			<b>31%</b>
<b>Net Wastewater Generation</b>			<b>66,993 gpd</b>
<b>Allowed Wastewater Generation per SCAR Letter <sup>c</sup></b>			<b>88,510 gpd</b>
<i>Notes: sf = square feet; du = dwelling units, gpd: gallons per day</i> <sup>a</sup> City of Los Angeles Department of Public Works, Bureau of Sanitation, Sewage Generation Factor for Residential and Commercial Categories, effective April 6, 2012. <sup>b</sup> Pursuant to LADWP Resolution No. 018033, LADWP determined that the Proposed Project's net increase in water demand would be 90 acre feet with implementation of the developer's water conservation commitments. <sup>c</sup> Sewer Capacity Availability Request (SCAR) for 220 & 226 W. Olympic Blvd./1000-1022 S. Hill Street, 05/31/2017, updated 06/27/2017. Parker Environmental Consultants, 2017.			

Based on communication from the BOS, the Project Site is served by an existing 24-inch sewer pipe along Hill Street and an 8-inch sewer pipe along Olympic Boulevard. Based on the Sewer Capacity Availability Report, the sewer lines serving the project are adequate to serve the Proposed Project, with 50% of the discharge allocated to the Hill Street sewer line and 50% of the discharge allocated to the Olympic Boulevard sewer line.<sup>67</sup> Through the rules and regulations established in the City of Los Angeles Sewer Allocation Ordinance (Ord. 166,060), the BOS will re-verify the gauging of the sewer lines and make the appropriate decisions on how best to connect to the local sewer lines at the time of construction. If it is later determined that the local sewer system has insufficient capacity to serve the Proposed Project, the Applicant would be required to replace or build new sewer lines to a point in the sewer system with sufficient capacity to accommodate the Proposed Project's increased flows. Any infrastructure

<sup>67</sup> Sewer Capacity Availability Request (SCAR) for 220 & 226 W. Olympic Blvd./1000-1022 S. Hill Street, ID# 61-3709-0517, 05/31/2017.

improvements to update or expand the sewer lines in the Project vicinity, if necessary, would be limited to trenching, excavating and backfilling the sewer lines beneath the public right-of-way. Such construction activities would be localized in nature and would generally involve partial lane closures for a relatively short duration of time typically lasting a few days to a few weeks. Impacts to sewer capacity and infrastructure would be less than significant. Therefore, impacts to sewer capacity and infrastructure would be less than significant.

**c) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Less Than Significant Impact.** A significant impact may occur if the volume of stormwater runoff would increase to a level exceeding the capacity of the storm drain system serving a project site, resulting in the construction of new stormwater drainage facilities. As described in Question IX(c), the Proposed Project would not result in a significant increase in site runoff, or any changes in the local drainage patterns. The Proposed Project would be required to demonstrate compliance with Low Impact Development Ordinance standards and retain or treat the first ¾-inch of rainfall in a 24-hour period or the rainfall from an 85<sup>th</sup> percentile 24-hour runoff event, whichever is greater. The Project Site is currently developed with a surface parking lot. The Project Site is completely covered with impervious surfaces. Runoff from the Project Site currently is and would continue to be directed towards existing storm drains in the Project vicinity. As stated previously in response to Checklist Question IX(a), the Proposed Project shall comply with NPDES requirements and the LID regulations, and implement BMPs during the construction and operation of the Proposed Project.

The appropriate design and application of Best Management Practices (BMP) devices and facilities shall be determined by the Watershed Protection Division of the Bureau of Sanitation, Department of Public Works. Thus, development of the Proposed Project would not create or contribute to runoff water, which may exceed the capacity of existing or planned stormwater drainage systems. Therefore, Project impacts would be considered less than significant.

**d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

**Less Than Significant Impact.** A significant impact may occur if a project would increase water consumption to such a degree that new water sources would need to be identified. Based on the *L.A. CEQA Thresholds Guide*, the determination of whether the Proposed Project results in a significant impact on water shall be made considering the following factors: (a) the total estimated water demand for the project; (b) whether sufficient capacity exists in the water infrastructure that would serve the project, taking into account the anticipated conditions at project buildout; (c) the amount by which the project would cause the projected growth in population, housing or employment for the Community Plan area to be exceeded in the year of the project completion; and (d) the degree to which scheduled water infrastructure improvements or project design features would reduce or offset service impacts.

The City's water supply comes from local groundwater sources, the Los Angeles-Owens River Aqueduct, State Water Project, and from the Metropolitan Water District (MWD) of Southern California, which is obtained from the Colorado River Aqueduct. The MWD utilizes a land-use based planning tool that allocates projected demographic data from the SCAG into water service areas for each of MWD's member agencies. The 2015 Urban Water Management Plan (UWMP), which estimates future demand based on population and growth estimated reported in SCAG's RTP/SCS, projects a total water demand and supply of 675,685 AFY in 2040. With its current water supplies, planned future water conservation, and planned future water supplies, LADWP will be able to reliably provide water to its customers through the 25-year planning period covered by the 2015 UWMP. Through various conservation strategies, the LADWP will be able to reduce the City's water demand during dry years to respond to any reductions to water supplies during multiple dry years.

As shown in Table III-38, the Proposed Project's net increase in water demand would be 80,392 gallons per day. The Proposed Project would be consistent with the allowable land uses and density that are planned for the Project Site under the zoning and General Plan and is therefore within the growth projections of SCAG's RTP/SCS. Accordingly, the Project's anticipated water demand has been accounted for and would not exceed the water demand estimates of the City's 2015 UWMP. Thus, the Proposed Project would have a less-than-significant impact on water demand.

In addition, high efficiency water closets, high efficiency urinals, water saving showerheads, and low flow faucets must be installed in new construction. The flow rates of new plumbing fixtures must comply with the most stringent of the following: Los Angeles City Ordinance No. 184248, Los Angeles Ordinance No. 184,692, the 2017 Los Angeles Plumbing Code, the 2016 California Green Building Standards Code (CAL Green) and the 2017 Los Angeles Green Building Code. With respect to landscaping, the Proposed Project would be required to comply with Los Angeles City Ordinance No. 170978 and the City of Los Angeles Irrigation Guidelines, 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).

The City of Los Angeles has enacted legislation to address the water supply shortages caused by the recent statewide drought. Los Angeles City Ordinance No. 181288 (Emergency Water Conservation Plan) imposes phased water rationing during drought conditions and imposes penalties for users that do not comply. When water rationing is in effect, landscape irrigation is prohibited between the hours of 9:00 AM and 4:00 PM. Specific watering days and maximum irrigation rates are also defined in this ordinance.<sup>68</sup> Compliance with the regulatory compliance measures identified above would reduce the Proposed Project's demands for potable water resources to a less than significant level.

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<sup>68</sup> *Ibid.*

## Cumulative Impacts

**Less Than Significant Impact.** Development of the Proposed Project, related projects and the cumulative growth throughout the City of Los Angeles, would further increase the demand for potable water within the City. Through the 2015 Urban Water Management Plan, the LADWP has demonstrated that it can provide adequate water supplies for the City through the year 2040, with implementation of conservation strategies and proper supply management. This estimate is based in part on demographic projections obtained for the LADWP service area from the Metropolitan Water District (MWD). The MWD utilizes a land-use based planning tool that allocates projected demographic data from the Southern California Association of Governments (SCAG) into water service areas for each of MWD's member agencies. MWD's demographic projections use data reported in SCAG's RTP/SCS. As discussed previously in Section XIII, Population and Housing, the Proposed Project's population growth is consistent with SCAG's growth projections for the City of Los Angeles subregion. The Proposed Project is consistent with the underlying allowable uses per the Central City Community Plan and the LAMC and would not exceed the allowable density for the Project Site. As such, the additional water demands generated by the Proposed Project are accounted for in the 2015 Urban Water Management Plan.

- e) **Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**Less Than Significant Impact.** Based upon the criteria established in the *L.A. CEQA Thresholds Guide*, a project would normally have a significant wastewater impact if: (a) the project would cause a measurable increase in wastewater flows to a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained; or (b) the project's additional wastewater flows would substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements. As stated in Checklist Question XVII(b), above, the sewage flow would ultimately be conveyed to the Hyperion Water Reclamation Plant, which has sufficient capacity for the Proposed Project. Therefore, impacts would be less than significant.

## Cumulative Impacts

**Less Than Significant Impact.** Development of the Proposed Project in conjunction with the related projects would further increase regional demands on the HWRP's capacity.

### *Local Wastewater Generation*

Similar to the Proposed Project, each related project would be required to submit a SCAR and obtain approval by the Department of Public Works to ensure adequate sewer capacity for each related project. Since the SCAR for the Proposed Project was approved, signifying that the sewer lines serving the Project Site have adequate capacity, the Proposed Project would not be expected to contribute to a local cumulative impact. Locally, the Proposed Project would not be cumulatively considerable.

*Regional Wastewater Generation*

The Integrated Resources Plan, adopted in 2006, incorporates a new City-prepared Wastewater Facilities Plan to address demand and capacity through 2020. The Integrated Resources Plan serves to update the information prepared in the 1991 Wastewater Facilities Plan, while also considering the needs of the City's recycled water and urban runoff systems. Specifically, the Integrated Resources Plan was developed to accommodate the projected increase in wastewater flow over the next 20 years while maximizing the beneficial reuse of recycled water and urban runoff and, as a result, optimizing the use of the City's existing facilities and water resources. Growth projections and data sources used in the Integrated Resources Plan were based on the Southern California Association of Governments (SCAG) 2001 Regional Transportation Plan, which estimated that the population of Los Angeles would reach almost 4.3 million people by 2020. Implementation of the Integrated Resources Plan will enable the City to adequately convey wastewater to the treatment plants with minimal potential for sewage spills. It will also enable the City to treat future wastewater flows while protecting public health and safety and meeting regulatory requirements, thereby protecting the environment and surface waters. As discussed in Section XIII, Population and Housing, the cumulative growth impacts for the Proposed Project and related projects are consistent with the SCAG's growth projections.

Based on continued implementation of the Integrated Resources Plan and the anticipated cumulative wastewater generation forecasted for the region, the demands of the Proposed Project and related projects in relation to wastewater treatment, when considered cumulatively, would result in less than significant impacts.

**f) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

**Less Than Significant Impact.** A significant impact may occur if a project were to increase solid waste generation to a degree such that the existing and projected landfill capacity would be insufficient to accommodate the additional solid waste. Based on the *L.A. CEQA Thresholds Guide*, the determination of whether a project results in a significant impact on solid waste shall be made considering the following factors: (a) amount of projected waste generation, diversion, and disposal during demolition, construction, and operation of the project, considering proposed design and operational features that could reduce typical waste generation rates; (b) need for additional solid waste collection route, or recycling or disposal facility to adequately handle project-generated waste; and (c) whether the project conflicts with solid waste policies and objectives in the Source Reduction and Recycling Element (SRRE) or its updates, the Solid Waste Management Policy Plan (SWMPP), Framework Element of the Curbside Recycling Program, including consideration of the land use-specific waste diversion goals contained in Volume 4 of the SRRE.

Solid waste generated within the City is disposed of at privately owned landfill facilities throughout Los Angeles County. While the Bureau of Sanitation provides waste collection services to single-family and some small multi-family developments, private haulers provide waste collection services for most multi-family residential and commercial developments within the City. Solid waste transported by both public and private haulers is recycled, reused, transformed at a waste-to-energy facility, or disposed of at a

landfill. Under the City's RENEW LA Plan, adopted in February 2006, the City committed to reaching Zero Waste. The goal of Zero Waste as defined by the RENEW LA Plan is to reduce, reuse, recycle, or convert the resources currently going to disposal so as to achieve an overall diversion rate of 90 percent or more by the year 2025 and becoming a Zero Waste city by 2030.<sup>69</sup> State law (AB 341) currently requires at least 50% solid waste diversion and establishes a state-wide goal of not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020. As of 2012 the City of Los Angeles achieved a landfill diversion rate of 76.4%, based upon the calculation methodology adopted by the State of California.<sup>70</sup>

Moreover, state law requires mandatory commercial recycling in all businesses and multi-family complexes and imposes additional reporting requirements on local agencies, including the City of Los Angeles. In order to meet these requirements and goals, the City has established an exclusive, competitive franchise system for the collection, transportation and processing of commercial and multi-family solid waste that will aid the City in meeting its diversion goals by, among other things: (i) requiring franchisees to meet diversion targets; (ii) increasing the capacity for partnership between the City and solid waste haulers; (iii) allowing the City to establish consistent methods for diversion of recyclables and organics; (iv) increasing the City's ability to track diversion, which will enable required reporting and monitoring of state mandated commercial and multi-family recycling; (v) increasing the City's ability to ensure diversion quality in the processing facilities handling its waste and recyclables; and (vi) increasing the City's capacity to enforce compliance with federal, state, county, and local standards.

Within the City of Los Angeles, the Sunshine Canyon Landfill and the Chiquita Canyon Landfill serve existing land uses within the City. Both landfills accept residential, commercial, and construction waste. The Sunshine Canyon Landfill is jointly operated by the City and the County, has a remaining capacity of 72.6 million tons. The Sunshine Canyon Landfill has an estimated remaining life of 22 years. The Chiquita Canyon Landfill has a remaining capacity of 758,146 tons.<sup>71</sup> For the past decade, Chiquita Canyon Landfill has been working with the County of Los Angeles on an Environmental Impact Report (EIR) and a new Conditional Use Permit (CUP) application. During this period, the Chiquita Canyon Landfill reached the permitted disposal limit of 23 million tons that was approved in 1997. The Director of Regional Planning granted Chiquita Canyon Landfill a limited waiver to continue operation of the landfill until necessary public hearings for the EIR and new CUP are completed. If the new CUP is not approved, then the landfill would close. The Proposed Project would be allowed to dispose solid waste at the Chiquita Canyon Landfill during the EIR and CUP process given that the landfill would not be

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<sup>69</sup> *City of Los Angeles, Solid Waste Integrated Resources Plan – A Zero Waste Master Plan, October 2013, Final Adoption, April 2015.*

<sup>70</sup> *City of Los Angeles, Bureau of Sanitation, Zero Waste Progress Report, March 2013.*

<sup>71</sup> *County of Los Angeles Department of Public Works, 2015 Annual Report, Los Angeles Countywide Integrated Waste Management Plan, December 2016.*

required to close.<sup>72</sup> An expansion of the Chiquita Canyon Landfill is currently proposed and would add a capacity of 48,114,000 tons (a 45-year life expectancy based on 2015 average daily disposal of 3,446 tons per day or 15 years based on the maximum permitted rate of disposal of 10,000 tons per day).<sup>73</sup>

The Proposed Project would follow all applicable solid waste policies and objectives that are required by law, statute, or regulation. Under the requirements of the hauler's AB 939 Compliance Permit from the Bureau of Sanitation, all construction and demolition debris would be delivered to a Certified Construction and Demolition Waste Processing Facility. Debris from demolition of any asphalt surface parking located on the Project Site would be recycled/recovered and would not be deposited in area landfills. It is estimated that the demolition and construction for the Proposed Project would generate approximately 2,563 tons of debris during the demolition and construction process (see Table III-40). In order to meet the diversion goals of the California Integrated Waste Management Act and the City of Los Angeles, the Applicant shall salvage and recycle construction and demolition materials to ensure that a minimum of 70 percent of construction-related solid waste that can be recycled is diverted from the waste stream to be landfilled. Solid waste diversion would be accomplished through the on-site separation of materials and/or by contracting with a solid waste disposal facility that can guarantee a minimum diversion rate of 70 percent. Pursuant to Section 66.32 of the LAMC, the Project's solid waste contractor must obtain, in addition to all other required permits, an AB 939 Compliance Permit from the Bureau of Sanitation.

**Table III-40**  
**Estimated Construction and Demolition Debris**

Construction Activity	Size	Rate <sup>a b</sup>	Generated Waste (tons)
<b>Demolition</b>			
Paved Surface Parking Lot (50,617 sf) <sup>c</sup>	938 cy	2,400 lbs/cy	1,126
<b>Construction</b>			
Multi-Family Residential	643,021 sf	4.38 lbs/sf	1,408
Commercial / Retail Spaces	15,000 sf	3.89 lbs/sf	29
<b>Total Debris:</b>			<b>2,563 tons</b>
<i>Notes:</i> <i>sf = square feet; lbs = pounds</i> 1. CalRecycle, <i>Solid Waste Cleanup Program Weights and Volumes for Project Estimates</i> , <a href="http://www.calrecycle.ca.gov/swfacilities/cdi/Tools/Calculations.htm">http://www.calrecycle.ca.gov/swfacilities/cdi/Tools/Calculations.htm</a> , accessed May 2017. 2. United States Environmental Protection Agency, <i>Estimating 2003 Building-Related Construction and Demolition Materials Amounts</i> , 2003. 3. Assumed that the parking lot is 0.5-feet in depth. <i>Source: Parker Environmental Consultants, 2017.</i>			

<sup>72</sup> Chiquita Canyons, "Chiquita Canyon Granted Waiver, Continues Operations" August 5, 2016. Website: <http://chiquitacanyon.com/chiquita-canyon-granted-waiver-continues-operations/>, accessed May 2017.

<sup>73</sup> *Ibid.*

As shown in Table III-41, Proposed Project Operational Solid Waste Generation, the Proposed Project’s net generation during operation would be 9,319 pounds per day. However, this estimate is conservative, as it does not factor in any recycling or waste diversion programs. The Proposed Project’s solid waste would be handled by private waste collection services. The amount of solid waste generated by the Proposed Project is within the available capacities at area landfills and Project impacts to regional landfill capacity would be less than significant. In compliance with AB 341, 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 Proposed Project’s regular solid waste disposal program. The Project Applicant shall only contract for waste disposal services with a company that recycles solid waste in compliance with AB 341.

**Table III-41  
Proposed Project Operational Solid Waste Generation**

Type of Use	Size	Solid Waste Generation Rate <sup>a</sup> (lbs/unit/day)	Total Solid Waste Generated (lbs/day)
<b>Existing Uses</b>			
Surface Parking	50,617 sf	0 lbs/sf/day	0
<b>Proposed Project</b>			
Multi-Family Residential	700 du	12.23 lbs/du/day	8,561
Restaurant/retail (15,000 sf)	72 emp <sup>b</sup>	10.53 lbs/employee/day	758
<b>NET TOTAL Solid Waste Generation:</b>			<b>9,319</b>
<i>Notes: sf =square feet; du = dwelling units, emp = employee</i> <sup>a</sup> <i>L.A. CEQA Thresholds Guide, page M.3-2. Waste generation includes all materials discarded, whether or not they are later recycled or disposed of in a landfill.</i> <sup>b</sup> <i>Employees were projected based on 1 employee per 588 square feet community retail and 1 employee per 143 square feet of restaurant space. Source: U.S. Green Building Code, Building Area per Employee by Business Type Table, May 13, 2008.</i> <i>Source: Parker Environmental Consultants, 2017.</i>			

**g) Would the project comply with federal, state, and local statutes and regulations related to solid waste?**

**Less Than Significant Impact.** Solid waste management in the State is primarily guided by the California Integrated Waste Management Act of 1989 (AB 939), which emphasizes resource conservation through reduction, recycling, and reuse of solid waste. AB 939 establishes an integrated waste management hierarchy consisting of (in order of priority): (1) source reduction; (2) recycling and composting; and (3) environmentally safe transformation and land disposal. In addition, AB 1327 provided for the development of the California Solid Waste Reuse and Recycling Access Act of 1991, which requires the adoption of an ordinance by any local agency governing the provision of adequate areas for the collection and loading of recyclable materials in development projects. Furthermore, Assembly Bill 341 (AB 341), which became effective on July 1, 2012, requires businesses and public entities that generate four cubic yards or more of waste per week and multi-family dwellings with five or more units, to recycle. The purpose of AB 341 is to reduce greenhouse gas emissions by diverting commercial solid waste from landfills and expand opportunities for recycling in California. In addition, in March 2006, the Los Angeles City Council adopted RENEW LA, a 20-year plan with the primary goal

of shifting from waste disposal to resource recovery within the City, resulting in “zero waste” by 2030. The “blueprint” of the plan builds on the key elements of existing reduction and recycling programs and infrastructure, and combines them with new systems and conversion technologies to achieve resource recovery (without combustion) in the form of traditional recyclables, soil amendments, renewable fuels, chemicals, and energy. The plan also calls for reductions in the quantity and environmental impacts of residue material disposed in landfills. More recently, in October 2014, Governor Jerry Brown signed AB 1826, requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste generated per week. Specifically, beginning April 1, 2016, businesses that generate eight cubic yards of organic waste per week shall arrange for organic waste recycling services. In addition, beginning January 1, 2017, businesses that generate four cubic yards of organic waste per week shall arrange for organic waste recycling services. Mandatory recycling of organic waste is the next step toward achieving California’s recycling and greenhouse gas emission goals. Organic waste such as green materials and food materials are recyclable through composting and mulching, and through anaerobic digestion, which can produce renewable energy and fuel. Reducing the amount of organic materials sent to landfills and increasing the production of compost and mulch are part of the AB 32 (California Global Warming Solutions Act of 2006) Scoping Plan.

The Project would be consistent with the applicable regulations associated with solid waste. Specifically, the Project would provide adequate storage areas in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687), which requires that development projects include an on-site recycling area or room of specified size. The Project would also comply with AB 939, AB 341, AB 1826 and City waste diversion goals, as applicable, by providing clearly marked, source-sorted receptacles to facilitate recycling. Since the Project would comply with federal, State, and local statutes and regulations related to solid waste, impacts would be less than significant and no mitigation measures are required.

### **Cumulative Impacts**

**Less Than Significant Impact.** Development of the Proposed Project in conjunction with the related projects would further increase regional demands on landfill capacity. The impact of the continued growth of the region would likely have the effect of diminishing the daily excess capacity of the existing landfills serving the City of Los Angeles. Based on the 2015 CoIWMP Annual Report, the countywide cumulative need for Class III landfill disposal capacity through the year 2030 will not exceed the 2015 remaining permitted Class III landfill capacity of 114 million tons.<sup>74</sup> However, solutions to resolve the regional solid waste disposal needs beyond 2030 are continuously being investigated at the state, regional, and local levels. The regional scenario analyses presented in the Countywide Integrated Waste Management Plan – Los Angeles County – Countywide Summary Plan and Citing Element (adopted December 2016) demonstrate that the County could meet its disposal capacity needs by promoting extended producer responsibility, continuing to enhance diversion programs and increasing the

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<sup>74</sup> *County of Los Angeles, Department of Public Works; Los Angeles County Integrated Waste Management Plan 2015 Annual Report, December 2016.*

Countywide diversion rate, and developing conversion and other alternative technologies. Additionally, by successfully permitting and developing all proposed in-County landfill expansions, utilizing available or planned out-of-County disposal facilities, and developing infrastructure to facilitate exportation of waste to out-of-County landfills, the County may further ensure adequate disposal capacity is available throughout the planning period. Thus, cumulative impacts with respect to regional solid waste impacts would be less than significant.

Furthermore, it should be noted that the City of Los Angeles Solid Waste Management Plan (AB 939) sets forth strategies that would provide adequate landfill capacity through 2037 to accommodate anticipated growth. The Bureau of Sanitation has projected the need for waste disposal capacity based on SCAG's regional population growth projections. The growth associated with Proposed Project is within those projections. Furthermore, projects within the City of Los Angeles must comply with the City's SRRE.

As of 2012 the City of Los Angeles achieved a landfill diversion rate of 76.4%, based upon the calculation methodology adopted by the State of California.<sup>75</sup> Waste diversion rates are required to increase to 75 percent by 2025 and through on-going development of waste management infrastructure over the last decade and innovative source reduction, reuse, recycling and composting programs have been implemented. These programs include Green Mulching and Composting workshops, back yard trimming recycling cans, the City-owned Central Los Angeles Refuse Transfer Station (CLARTS) and Residential Special Material and Electronics Recycling or S.A.F.E. Centers. New programs are being implemented to increase the amount of waste diverted by the City, including: multi-family recycling, food waste recycling, commercial recycling and technical assistance and support for City departments to help meet their waste reduction and recycling goals. The City is also developing programs to ultimately meet a goal of zero waste by 2030. Thus, the Proposed Project's contribution to cumulative impacts would continue to decrease as it increases waste diversion rates in accordance with City goals. Therefore, the Proposed Project's contribution to cumulative solid waste impacts would be less than cumulatively considerable, and cumulative impacts with respect to solid waste would be less than significant.

## **XIX. MANDATORY FINDINGS OF SIGNIFICANCE**

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

**No Impact.** A significant impact may occur only if the Proposed Project would have an identified potentially significant impact for any of the above issues. The Proposed Project is located in a highly urbanized area, development of the Project would result in a less than significant impact to biological and

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<sup>75</sup> *City of Los Angeles, Bureau of Sanitation, Zero Waste Progress Report, March 2013.*

cultural resources with adherence to regulatory compliance measures. The Proposed Project would not degrade the quality of the environment, reduce or threaten any fish or wildlife species (endangered or otherwise), or eliminate important examples of the major periods of California history or pre-history. Therefore, no impact would occur.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

**Less Than Significant Impact.** A significant impact may occur if the Proposed Project, in conjunction with the other 111 related projects in the area of the Project Site, would result in impacts that would be less than significant when viewed separately, but would be significant when viewed together.

As concluded in this analysis, the Proposed Project’s incremental contribution to cumulative impacts related to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, tribal cultural resources, and utilities and service systems would be less than significant. As such, the Proposed Project’s contribution to cumulative impacts would be less than significant.

- c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?**

**Potentially Significant Unless Mitigation Incorporated.** A significant impact may occur if the Proposed Project has the potential to result in significant impacts, as discussed in the preceding sections. Based on the preceding environmental analysis, the Proposed Project would not have significant environmental effects on human beings, either directly or indirectly. Any potentially significant impacts would be reduced to less-than-significant levels through the implementation of the applicable mitigation measures identified within this IS/MND analysis.

## **APPENDIX F: ENERGY CONSERVATION**

Appendix F: Energy Conservation of the State CEQA Guidelines states the goal of conserving energy implies the wise and efficient use of energy. The State CEQA Guidelines outlines three means to achieve this goal:

1. Decreasing overall per capita energy consumption,
2. Decreasing reliance on fossil fuels such as coal, natural gas and oil, and
3. Increasing reliance on renewable energy sources.

The Proposed Project would develop a mixed-use building on an infill site, which would contribute to the revitalization of the Central City Community Plan area. As a mixed-use project with both residential and commercial land uses, the Proposed Project would be required to comply with the energy conservation standards established in Title 24 of the California Administrative Code. California's Energy Efficiency Standards for Residential and Nonresidential Buildings located at Title 24, Part 6 of the California Code of Regulations and commonly referred to as "Title 24," which was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods.

California's Building Energy Efficiency Standards are updated on an approximately three-year cycle. The 2016 Standards will continue to improve upon the 2013 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The effective date of the 2016 Standards is January 1, 2017.<sup>76</sup> The Energy Efficiency Standards are a specific response to the mandates of AB 32 and to pursue California energy policy that energy efficiency is the resource of first choice for meeting California's energy needs. The Proposed Project includes energy efficiency components to conserve energy, which are detailed below.

### ***Existing Infrastructure***

The Project Site is located in a highly urbanized area in Downtown Los Angeles and is adequately served with roads, sidewalks, and underground utilities. Since the Project Site is developed with a surface parking lot, which utilizes little to no energy consumption, the Proposed Project would generate an increase in energy consumption as compared to existing conditions. In the event infrastructure upgrades are required for the proposed development, such infrastructure improvements would be limited in nature and conducted within the existing public right-of-way easements serving the Project area, and thus would not create a significant impact to the physical environment. This is largely due to the fact that (a) any disruption of service would be short-term, (b) upgrades would be conducted within previously developed public rights-of-way, and (c) any foreseeable infrastructure improvements would be limited to the immediate Project vicinity. Therefore, potential impacts resulting from energy infrastructure improvements would be less than significant.

Electricity (provided by the LADWP) and natural gas (provided by Southern California Gas) service and supplies are available in the immediate project vicinity and would be provided to the Project Site. The availability of electricity and natural gas is dependent upon adequate generating capacity, adequate fuel supplies, and a reliable distribution system. The estimated power requirement for the Proposed Project is part of the total load growth forecast for the City of Los Angeles and has been taken into account in the planned growth of the City's power system.

### ***Energy Consumption***

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<sup>76</sup> California Energy Commission, 2016 Building Energy Efficiency Standards, website: <http://www.energy.ca.gov/title24/2016standards/>, accessed May 2017.

**a) Construction**

Construction of the Proposed Project would generate an increased demand for electricity use related to the treatment and conveyance of water for dust suppression activities during the excavation and grading phase, and the consumption of gasoline and diesel fuels associated with haul trucks, deliveries, and worker commute trips. Construction activities typically do not require the consumption of natural gas to power equipment or heavy machinery. The total electricity, gasoline and diesel fuel anticipated to be used during construction is summarized in Table III-42, Summary of Energy Usage During Construction, below. As shown in Table III-42, construction of the Proposed Project would consume approximately 5,145 kWhr of electricity, 1,024,622 gallons of gasoline, and 560,027 gallons of diesel fuel.

Due to the relatively short duration of the construction process, and the fact that the extent of fuel consumption is inherent to construction projects of this size and nature, fuel consumption impacts would not be considered excessive or substantial with respect to regional fuel supplies. Further, compliance with regulatory compliance measures, such as restricting haul trucks to off-peak hours and not allowing engines to idle excessively when not in use (AQMD Rule 403), and meeting specified fuel and fuel additive requirements and emission standards (C.C.R. Title 13, Sec. 2485), would further serve to increase energy efficiency and reduce consumption of fossil fuels. The energy demands during construction would be typical of construction projects for projects of this size and would not necessitate additional energy facilities or distribution infrastructure. Accordingly, energy demands during construction would be less than significant.

**Table III-42  
Summary of Energy Usage During Construction**

<b>Fuel Type</b>	<b>Quantity</b>
<b>Electricity</b>	
Water Use	<b>5,145 kWhr</b>
<b>Gasoline</b>	
On-Road Vehicles (Workers Trips)	<b>1,024,622 gallons</b>
<b>Diesel</b>	
On Road Construction Equipment (Vendors/Deliveries)	406,916 gallons
On Road Construction Equipment (Haul Trips)	113,188 gallons
Off-Road Construction Equipment	39,924 gallons
<b>Subtotal Diesel</b>	<b>560,027 gallons</b>
<i>Energy calculation worksheets are provided in Appendix I to this MND.</i>	

**b) Operation**

**i) Electricity**

As shown in Table III-43, below, the estimated net increase in electricity consumption by the Proposed Project's operational use would be approximately 4,413,000 kWh per year. As discussed above, the Proposed Project would be required to comply with energy conservation standards pursuant to Title 24 of the California Administrative Code. The Proposed Project would also be required to comply with the *L.A. Green Building Code*. The *L.A. Green Building Code*, effective January 1, 2017, requires the use of

numerous conservation measures, beyond those required by Title 24 of the California Administrative Code. The *L.A. Green Building Code* contains both mandatory and voluntary green building measures to conserve energy. Among many requirements, the *L.A. Green Building Code* requires projects to achieve a 20 percent reduction in wastewater generation. Therefore, compliance with Title 24 of the California Administrative Code and the *L.A. Green Building Code* would reduce the Proposed Project's energy consumption. Additionally, as discussed above, electric service is available and would be provided to the Project Site. The availability of electricity is dependent upon adequate generating capacity and adequate fuel supplies. The estimated power requirements for the Proposed Project is part of the total load growth forecast for the City of Los Angeles and has been taken into account in the panned growth of the City's power system.

The Proposed Project would include energy conservation features. Specifically, the residential units would include energy efficient lighting fixtures, ENERGY Star rated appliances for residential dwelling units, low-flow water features, and energy efficient mechanical heating and ventilation systems. Thus, the Proposed Project's 700 residential units would incorporate energy conservation features. As provided in Appendix D, Greenhouse Gas Emissions, and summarized in Table III-43, below, the energy usage for the Proposed Project is 5,739,480 kWh/yr.

**Table III-43**  
**Estimated Electricity Consumption by the Proposed Project**

Land Use	Size	Total (kilowatt hours/year)
<b><i>Proposed Project</i></b>		
Residential Uses	700 du	2,772,060
Enclosed Parking (with Elevator)		2,519,800
Retail	7,000 sf	353,120
Restaurant	8,000 sf	94,500
<b>Proposed Project Total Net Electricity Demand</b>		<b>5,739,480</b>
<i>Notes:</i> du: dwelling unit; sf: square feet; kWh = kilowatt-hour <sup>a</sup> See Annula CalEEMod Worksheets provided in Appendix G to this MND. Source: Parker Environmental Consultants, 2018.		

## ii) Natural Gas

Natural gas for the Project Site is provided by Southern California Gas Company ("SCG"). Gas supply available to SCG from California sources averaged 122 million cf/day in 2015. SCG projects total natural gas demand to decrease at an annual rate of 0.6 percent per year from 2016 to 2035. This decrease is due to more efficient power plants, pursuing demand-side reductions, and the acquisition of preferred power generation resources that produce little or no carbon emissions. Thus, with the natural gas consumption becoming more efficient and decreasing, the SCG's projection for natural gas also decreases. Interstate pipeline delivery capability into SCG on any given day is theoretically approximately 6,725 million cf/day based on the Federal Energy Regulatory Commission (FERC) Certificate Capacity or SCG's

estimated physical capacity of upstream pipelines. SCG's storage fields attain a combined theoretical storage working inventory capacity of 137.1 billion cubic feet; of that, 83 billion cubic feet is allocated to residential, small industrial and commercial customers.<sup>77</sup> As shown in Table III-44, below, the natural gas consumption as a result of the operation of the Proposed Project, approximately 8.3 million cubic feet per year, would represent a very small fraction of one percent of the SCG's existing natural gas storage capacity and therefore, would be within the SCG's existing natural gas storage capacity of 83 billion cubic feet as of 2016.

As discussed above, the Proposed Project would be required to comply with energy conservation standards pursuant to Title 24 of the California Administrative Code. The Proposed Project would also be required to comply with the *L.A. Green Building Code*. The *L.A. Green Building Code*, effective January 1, 2017, requires the use of numerous conservation measures, beyond those required by Title 24 of the California Administrative Code. The *L.A. Green Building Code* contains both mandatory and voluntary green building measures to conserve energy. Therefore, compliance with Title 24 of the California Administrative Code and the *L.A. Green Building Code* would reduce the Proposed Project's energy consumption.

**Table III-44  
Estimated Natural Gas Demand by the Proposed Project**

Land Use	Size	Total kBTU/yr	Total (CF/year)
<b>Proposed Project</b>			
Residential Uses	700 du	6,451,860	6,288,362
Enclosed Parking (with Elevator)		0	0
Retail	7,000 sf	1,846,080	1,799,298
Restaurant	8,000 sf	11,480	11,189
<b>Proposed Project Total Net Natural Gas Demand</b>		<b>8,309,420</b>	<b>8,309,420</b>
<i>Notes:</i> du: dwelling unit; sf: square feet; kWh = kilowatt-hour <sup>a</sup> See <i>Annula CalEEMod Worksheets provided in Appendix G to this MND.</i> Source: Parker Environmental Consultants, 2018.			

### ***Fossil Fuels***

Operation of the Proposed Project would generate vehicle trips associated with people driving to the site for work or home and driving to and from work and other destinations throughout the region. Based on the trip generation rates provided in the Project Traffic Study, and the vehicle trip lengths calculated in the CalEEMod air quality worksheets, it is estimated that operation of the Proposed Project would result

<sup>77</sup> *California Gas and Electric Utilities, 2016 California Gas Report, website: <https://www.socalgas.com/regulatory/documents/cgr/2016-cgr.pdf>, accessed May 2017.*

in approximately 10,166,228 annual vehicle miles traveled on an annual basis.<sup>78</sup> Based on this data, it is further estimated that the Proposed Project's VMTs would result in the annual consumption of approximately 337,081 gallons of gasoline fuel and 97,284 gallons of diesel fuel.<sup>79</sup> The Proposed Project would include several conservation measures to decrease reliance on fossil fuels, including coal, natural gas and oil. The Project Site is located in Downtown Los Angeles, which is at the hub of the regional transit network in the Los Angeles area. The roadways adjacent to the Project Site are served by several bus lines managed by multiple transit operators that include the Los Angeles County Metropolitan Transportation Authority ("Metro"), LADOT DASH and Commuter Express, Santa Monica Big Blue Bus ("BBB"), and the Foothill Transit Silver Streak. The Project Site is served by two nearby Metro Stations within walking distance: the 7<sup>th</sup> Street/Metro Center Station is located approximately 0.5 miles northwest of the Project Site and the Pico/Flower Station is located approximately 0.4 miles west of the Project Site. These stations also provide transfer opportunities to other Metro rail services, Amtrak, Metrolink, and numerous bus routes served by Metro, LADOT, and municipal bus operators. The bus lines within a reasonable walking distance (approximately one-half mile) of the Project include (2, 4, 10, 14, 20, 28, 30, 33, 35, 40, 45, 51, 55, 60, 66, 70, 71, 76, 78, 81, 83, 90, 92, 94, 96, 720, 745, 760, 770, and 794).<sup>80</sup> Due to its proximity to the bus stops and Metro stations aforementioned, the Project Site is easily accessible and highly connected with the City of Los Angeles and the greater Los Angeles area.

Additionally, as an infill development, Proposed Project would incorporate a mix of residential, retail, and restaurant uses. Because of the Project Site's location near transit service, a number of trips would be expected to be transit or walk trips rather than vehicle trips. Some residents and/or visitors would take transit to their destinations, or would walk to destinations nearby. As discussed in the Traffic Study (see Appendix H of this IS/MND), because the commercial component of the Proposed Project would be primarily serving to the proposed development and surrounding project area, some of the trips might be expected to be walk-ins either from the Proposed Project or the surrounding area. Certain adjustments to the trip generation were therefore made, with LADOT approval, to reflect these conditions. For the trips generated by the residential uses, a reduction of 3% for internal trips from the Proposed Project from the surrounding area were applied. For the trips generated by the retail uses, a reduction of 39% for internal trips from the Proposed Project, 5% for use of transit and walk-ins from the surrounding area, and a pass-by rate of 50% were applied. For the trips generated by the restaurant uses, a reduction of 24% for internal trips from the Proposed Project, 8% for use of transit and walk-ins from the surrounding area, and a pass-by rate of 10% were applied. The reduction in vehicle trips, due to the Proposed Project's mixed-use programming and the Project Site's location in a transit-oriented district, would therefore decrease the Proposed Project's reliance on fossil fuels. Further, the Proposed Project proposes a Transportation Demand Management (TDM) program that would result in an additional 15% reduction to the vehicle trips estimated above. Pursuant to LAMC 99.04.106.4.2, a minimum of 5% of the total code required parking is required to be capable of supporting future electric vehicle supply equipment (EVSE). The provision of

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<sup>78</sup> See CalEEMod Worksheets included as Appendix A to this MND.

<sup>79</sup> Refer to Fuel Consumption Calculations included as Appendix I in this IS/MND.

<sup>80</sup> Fehr & Peers, Olympic & Hill Project Draft Transportation Impact Analysis, January 2018. See Appendix H of this IS/MND.

EVSE infrastructure would further serve to promote the utilization of alternative fueled vehicles thus reducing the combustion of fossil fuels. Based on these factors, the Project's vehicle trips would decrease overall per capita energy consumption, decrease reliance on fossil fuels, and would serve to promote reliance on renewable energy sources.

### ***Renewable Energy***

The LADWP's 2015 Power Integrated Resource Plan (IRP) serves as a comprehensive 20-year plan to supply reliable electricity to the City of Los Angeles in an environmentally responsible and cost effective manner. The 2015 IRP considers a 20-year planning horizon to guide LADWP as it executes major new and replacement projects and programs. The 2015 IRP outlines an aggressive strategy for LADWP to accomplish its goals and provide sufficient resources over the next 20 years given the information presently available, including the following major strategic initiatives: (1) Eliminate Coal from LADWP's Power Supply, (2) Reach 33 percent renewable portfolio standard by 2020 and 50 percent by 2030, including a goal of 800 MW Local Solar, (3) Achieve 15 percent energy efficiency by 2020, (4) Eliminate the use of Once-through Cooling by Repowering Coastal Units by 2029, (5) Invest in the Power System Reliability Program, and (6) Promote a high scenario of Transportation Electrification. As the project will derive its electricity from the LADWP, the project's energy demands will primarily be derived from renewable energy sources. On a project specific level, the Proposed Project includes the following features which will further reduce energy demands:

1. *Proximity to mass transit:* The Project Site is an infill site within a Transit Priority Area as defined by CEQA. The Project Site is also located within ½ mile of numerous bus routes with peak commute service intervals of 15 minutes or less.
2. *In-Fill Smart Growth:* The Proposed Project is located on an existing infill site that is currently developed with a surface parking lot, which is located in a highly developed area of downtown Los Angeles. The Project Site is also located in an area that is adequately served by existing infrastructure and would not require the extension of utilities or roads to accommodate the proposed development.
3. *Trip Reduction:* In addition to its location in a Transit Priority Area, the Proposed Project would also provide on-site bicycle parking in bicycle storage spaces pursuant to the City of Los Angeles Bicycle Ordinance (Ord. 182,386). Pursuant to LAMC Section 12.21 A.16, the Proposed Project is required to supply 78 short-term bicycle parking spaces and 708 long-term bicycle parking spaces, for a total of 786 bicycle parking spaces. The Proposed Project proposes to provide 786 spaces. Additionally, the Project would provide unbundled parking, where the cost of purchasing or renting parking spaces is separated from the cost of the purchasing or renting a dwelling unit. This incentivizes residents to choose alternative modes of transportation over automobile ownership. Upon discussion with LADOT, a 15% TDM credit was applied to the residential trip generation estimates for the Project.
4. *Resource Conservation:* As mandated by the *L.A. Green Building Code*, the Proposed Project would be required to meet Title 24 2016 standards and include ENERGY STAR appliances. The

Proposed Project would incorporate energy conservation features in the proposed residential units such as low-flow water fixtures and energy conservation appliances.

With incorporation of the features identified above, the Proposed Project would not result in any significant environmental effects with respect to renewable energy.

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## IV. PREPARERS AND PERSONS CONSULTED

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### **Lead Agency**

City of Los Angeles  
Department of City Planning  
200 North Spring Street, Room 621  
Los Angeles, California 90012

Michael Sin, City Planning Associate

### **Project Applicant**

Onni Group  
315 W. 9<sup>th</sup> Street, Suite 801  
Los Angeles, CA 90015

Mark Spector, Senior Development Manager

### **Environmental Consultant (CEQA)**

Parker Environmental Consultants  
23822 Valencia Boulevard, Suite 301  
Valencia, CA 91355

Shane E. Parker, President  
Leanna Williams, Project Manager  
Jennifer Kelley, Environmental Analyst  
Mariana Zimmermann, Associate Environmental Planner  
Elise Lorenzana, Assistant Environmental Planner

### **Architect**

Chris Dikeakos Architectural Corp.  
315 W. 9<sup>th</sup> Street, Suite 301  
Los Angeles, CA 90015

### **Landscape Architect**

Carter, Romanek Landscape Architects, Inc.  
11110 Ohio Avenue, Suite 204  
Los Angeles, CA 90025

### **Civil Engineer**

O.K.O. Engineering Inc.  
23671 Birtcher Drive  
Lake Forest, CA 92630

**Geotechnical Engineer**

Geocon West, Inc.  
3303 N. San Fernando Boulevard, Suite 100  
Burbank, CA 91504

Jelisa Thomas Adams, Geotechnical Engineer  
Susan F. Kirkgard, Certified Engineering Geologist  
Neal D. Berliner, Geotechnical Engineer

**Environmental Engineer**

Advantage Environmental Consultants, LLC  
145 Vallecitos De Oro, Suite 201  
San Marcos, CA 92069

Daniel Weis, Branch Manager  
Keith Sy, Environmental Scientist

**Methane Consultant**

Methane Specialists  
621 Via Alondra, Suite 610  
Camarillo, CA 93012

Kirby N. Arriola, Professional Engineer

**Historic / Cultural Consultant**

GPA Consulting  
617 S. Olive Street  
Los Angeles, CA 90014

Teresa Grimes, Principal Architectural Historian

**Traffic Consultant**

Fehr & Peers  
600 Wilshire Boulevard, Suite 1050  
Los Angeles, CA 90017

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## V. REFERENCES AND ACRONYMS

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## **2. ACRONYMS AND ABBREVIATIONS**

AAM	Annual Arithmetic Mean
AB	Assembly Bill
ACM	Asbestos-containing materials
AEP	Association of Environmental Professionals
AFY	Acre-feet per year

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APN	Assessor Parcel Number
AQMP	Air Quality Management Plan
ASTM	American Society of Testing and Materials
ASTs	above-ground storage tanks
ATCS	Adaptive Traffic Control System
Basin	South Coast Air Basin
BMPs	Best Management Practices
C/D	construction/demolition
CAA	Clean Air Act
CAAQS	California ambient air quality standards
Caltrans	California Department of Transportation
Cal/EPA	California Environmental Protection Agency
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CAT	Climate Action Team
CBC	California Building Code
CCAA	California Clean Air Act
CCAR	California Climate Action Registry
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDMG	California Division of Mines and Geology
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
cf	Cubic feet
CFC	Chlorofluorocarbons
CGS	California Geological Survey
CH <sub>4</sub>	Methane
CHMIRS	California Hazardous Material Incident Report System
CiSWMPP	City of Los Angeles Solid Waste Management Policy Plan
City Zoning Code	City of Los Angeles Planning and Zoning Code
CIWMA	California Integrated Waste Management Act
CLARTS	Central Los Angeles Refuse Transfer Station
CMP	Congestion Management Plan
CNEL	Community Noise Exposure Level
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	carbon dioxide equivalent
COHb	carboxyhemoglobin
COPC	Chemical of Potential Concern
CORRACTS	Corrective Action Treatment, Storage, and Disposal Facilities

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CPA	Community Plan Area
CPC	City Planning Commission
CPT	cone penetrometer test
CPU	Crime Prevention Unit
CRA/LA	Community Redevelopment Agency of the City of Los Angeles
CUP	conditional use permit
CWA	Clean Water Act
CWC	California Water Code
cy	cubic yards
dB	decibel
dBA	A-weighted decibel scale
d/D	flow level
DHS	California Department of Health and Services
DOGGR	California Department of Conservation Division of Oil, Gas, and Geothermal Resources
DWP	Department of Water and Power
DWR	California Department of Water Resources
du	dwelling unit
EIR	Environmental Impact Report
EMS	Emergency Medical Service
EPA	Environmental Protection Agency
EZ	Los Angeles State Enterprise Zone
FAR	Floor Area Ratio
FCAA	Federal Clean Air Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FTIP	Federal Transportation Improvement Program
GBCI	Green Building Certification Institute
GHG	greenhouse gas
gpd	gallons per day
gpm	gallons per minute
GWP	Global Warming Potential
HFC	hydrofluorocarbons
HQTA	High-Quality Transit Areas
HSA	Hyperion Service Area
HVAC	Heating, Ventilation and Air Conditioning
HWRP	Hyperion Water Reclamation Plant
I-101	Hollywood Freeway
ISO	Interim Control Ordinance
ITE	Institute of Transportation Engineers
km	kilometers
kV	kilovolt

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kWh	kilowatt-hours
LAA	Los Angeles Aqueduct
LAAFP	Los Angeles Aqueduct Filtration Plant
LABC	City of Los Angeles Building Code
LABS	Los Angeles Department of Public Works Bureau of Sanitation
LADBS	Los Angeles Department of Building and Safety
LADOT	Los Angeles Department of Transportation
LADRP	Los Angeles Department of Recreation and Parks
LADWP	Los Angeles Department of Water and Power
LAFD	Los Angeles Fire Department
LAMC	Los Angeles Municipal Code
LAPD	Los Angeles Police Department
LAPL	Los Angeles Public Library
LARWQCB	Los Angeles Regional Water Quality Control Board
LAUSD	Los Angeles Unified School District
LBP	Lead-based paint
lbs/day	pounds per day
LCFS	Low Carbon Fuel Standard
L <sub>dn</sub>	day-night average noise level
LEED	Leadership in Energy and Environmental Design
L <sub>eq</sub>	equivalent energy noise level/ambient noise level
LID	Low Impact Development
LOS	Level of Service
LST	localized significance thresholds
LUST	leaking underground storage tank
LUTP	Land Use/Transportation Policy
MBTA	Migratory Bird Treaty Act
MCE	Maximum Considered Earthquake
MEP	maximum extent practicable
MERV	Minimum Efficiency Reporting Value
Metro	Los Angeles County Metropolitan Transit Authority
mgd	million gallons per day
mi	miles
MPO	Metropolitan Planning Organization
MS4	medium and large municipal separate storm sewer systems
msl	mean sea level
mm	millimeters
MTA	Metropolitan Transportation Authority
MWD	Metropolitan Water District
MWh	Mega-Watt hours
N <sub>2</sub> O	nitrous oxide
NAAQS	National ambient air quality standards

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NAHC	Native American Heritage Commission
NFRAP	No Further Remedial Action Planned Sites
NO <sub>2</sub>	nitrogen dioxide
NOP	Notice of Preparation
NO <sub>x</sub>	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
O <sub>3</sub>	Ozone
OAL	California Office of Administrative Law
OPR	Office of Planning and Research
Pb	lead
PCB	polychlorinated biphenyl
PCE	tetrachloroethylene
PEC	Potential environmental concern
PFC	perfluorocarbons
PGA	peak horizontal ground acceleration
PM	particulate matter
PM <sub>10</sub>	respirable particulate matter
PM <sub>2.5</sub>	fine particulate matter
ppd	pounds per day
ppm	parts per million
PRC	Public Resources Code
PSI	pounds per square inch
PUC	Public Utilities Commission (also see CPUC)
PWS	Public water suppliers
RCP	Regional Comprehensive Plan
RCPG	Regional Comprehensive Plan and Guide
RCRA	Resource Conservation Recovery Act
RD	Reporting District
REC	Recognized Environmental Condition
ROG	Reactive Organic Gases
ROWD	Report of Waste Discharge
RTP	Regional Transportation Plan
RTP/SCS	Regional Transportation/Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCG	Southern California Gas Company
SCH	State Clearinghouse
sf	square feet

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SF <sub>6</sub>	sulfur hexafluoride
SIP	State Implementation Plan
SLIC	Spills, Leaks, Investigation and Cleanup
SO <sub>2</sub>	sulfur dioxide
SO <sub>4</sub>	sulfates
SO <sub>x</sub>	sulfur oxides
SOPA	Society of Professional Archeologist
SPT	Standard Penetration Test
SR-110	Harbor Freeway
SRA	source receptor area
SRRE	Source Reduction and Recycling Element
SUSMP	Standard Urban Storm Water Mitigation Plan
SWAT	Solid Waste Assessment Test
SWF/LF	Solid Waste Information System
SWFP	Solid Waste Facility Permit
SWMP	Stormwater Management Plan
SWMPP	Solid Waste Management Policy Plan
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resource Control Board
TAC	Toxic Air Contaminants
TCM	transportation control measures
TDM	Transportation Demand Management Plan
TFAR	Transfer of Floor Area Rights
TOD	Transit Oriented District
TPH	total petroleum hydrocarbons
TSD	Treatment, Storage, and Disposal
US-101	Hollywood Freeway
USEPA/ U.S. EPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGBC	United States Green Building Council
USGS	U.S. Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan
V/C	Volume-to-Capacity
VdB	Vibration decibels
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compound
WE	Water Efficiency
µg/m <sup>3</sup>	micrograms per cubic meter
ZIMAS	Zoning Information and Map Access System

## **Exhibit D – Mitigation Negative Declaration**

2 of 4: Traffic Study Approval

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

1030 S. Hill St  
DOT Case No. CEN 17-45630

Date: July 12, 2017

To: Nicholas Hendricks, Senior City Planner  
Department of City Planning

From: Wes Pringle, Transportation Engineer  
Department of Transportation

Subject: **TRANSPORTATION IMPACT ASSESSMENT FOR THE PROPOSED  
MIXED-USE DEVELOPMENT PROJECT LOCATED AT 1030 SOUTH HILL  
STREET**

The Department of Transportation (DOT) has reviewed the traffic impact analysis, dated June 2017 prepared by Fehr & Peers, for the proposed mixed-use development located on the southeast corner of the intersection of Olympic Boulevard and Hill Street within the Central City Community Plan area of the City of Los Angeles. In order to evaluate the effects of the project's traffic on the available transportation infrastructure, the significance of the project's traffic impacts is measured in terms of change to the volume-to-capacity (V/C) ratio between the "future no project" and the "future with project" scenarios. This change in the V/C ratio is compared to established threshold standards to assess the project-related traffic impacts. Based on DOT's traffic impact criteria<sup>1</sup>, the traffic study included the detailed analysis of 13 intersections and determined that the project-related traffic would significantly impact one of the study intersections as summarized in **Attachment 1**. The implementation of a Transportation Demand Management (TDM) program has been proposed to alleviate the effects of this impacted intersection.

## DISCUSSION AND FINDINGS

### A. Project Description

The project proposes to replace an existing public parking lot with a mixed-use development consisting of the construction of 700 apartment units, 7,000 square feet of retail space, and 8,000 square feet of quality restaurant space. The project would provide up to 1,075 vehicle parking spaces and 786 bicycle parking spaces on-site. Vehicular access to underground parking will be accommodated via one driveway on Hill Street and one driveway from the Blackstone Court alley with access off Olympic Boulevard. The project is expected to be completed by year 2022.

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<sup>1</sup> Per the DOT Traffic Study Policies and Procedures, a significant impact is identified as an increase in the Critical Movement Analysis (CMA) value, due to project related traffic, of 0.01 or more when the final ("with project") Level of Service (LOS) is LOS E or F; an increase of 0.020 or more when the final LOS is LOS D; or an increase of 0.040 or more when the final LOS is LOS C.

B. Trip Generation

The project is estimated to generate a net increase of approximately 3,392 daily trips, 242 trips during the a.m. peak hour and 285 trips during the p.m. peak hour. The trip generation estimates are based on rates published by the Institute of Transportation Engineers (ITE) Trip Generation, 9<sup>th</sup> Edition, 2012. A copy of the trip generation table can be found in **Attachment 2**.

C. Traffic Impacts

The study estimates that the project would result in significant traffic impacts (pre-mitigation) at the intersection of Olympic Boulevard and Hill Street under Future Year 2022 plus Project conditions during the p.m. peak hour. The developer has proposed a TDM program as a mitigation measure for this intersection. The design features recommended to be included in the TDM program are found in the Project Requirements section of this traffic assessment letter.

D. Freeway Analysis

The transportation impact analysis included a freeway impact analysis that was prepared in accordance with the State-mandated Congestion Management Program (CMP) administered by the Los Angeles County Metropolitan Transportation Authority (MTA). According to this analysis, the project would not result in significant traffic impacts on any of the evaluated freeway mainline segments. To comply with the Freeway Impact Analysis Agreement executed between Caltrans and DOT in October 2013, the study also included a screening analysis to determine if additional evaluation of freeway mainline and ramp segments was necessary beyond the CMP requirements. The project did not meet or exceed any of the four thresholds defined in the latest agreement, updated in December 2015. Exceeding one of the four screening criteria would require the applicant to work directly with Caltrans to prepare more detailed freeway analyses. No additional freeway analysis was required.

## PROJECT REQUIREMENTS

A. Construction Impacts

DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should 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. DOT also recommends that construction related traffic be restricted to off-peak hours to the extent possible.

B. Transportation Demand Management (TDM) Program

The purpose of a TDM plan is to reduce the use of single occupant vehicles (SOV) by increasing the number of trips by walking, bicycle, carpool, vanpool and transit. A TDM plan should include design features, transportation services, education, and incentives intended to reduce the amount of SOV during commute hours. Through strategic building design and orientation, this project can facilitate access to transit, can provide a pedestrian-friendly environment, can promote non-automobile travel and can support the goals of a trip-reduction program.

A final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program should include, but not be limited to the following strategies:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- Administrative support for the formation of carpools/vanpools;
- Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
- Establish bike and walk to work promotions;
- Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- Coupled with the unbundled parking, provide on-site car share amenities for residents;
- Guaranteed ride home program;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Coordinate with DOT to determine if the project location is eligible for a future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
- Provide on-site transit routing and schedule information;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Provide rideshare matching services;
- Preferential rideshare loading/unloading or parking location;
- Contribute a one-time fixed fee contribution of **\$50,000** to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.

C. Highway Dedication and Street Widening Requirements

On January 20, 2016, the City Council adopted the Mobility Plan 2035 which represents the new Mobility Element of the General Plan. A key feature of the updated plan is to revise street standards in an effort to provide a more enhanced balance between traffic flow and other important street functions including transit routes and stops, pedestrian environments, bicycle routes, building design and site access, etc. Per the new Mobility Element, **Hill Street** has been designated as a Modified Avenue II which would require a 28-foot half-width roadway within a 46-foot half-width right-of-way and **Olympic Boulevard** has been designated as a Modified Avenue I which would require a 38-foot half-width roadway within a 53-foot half-width right-of-way. **Blackstone Court**, the alley adjacent to the project running parallel to Hill Street and south of Olympic Boulevard should be dedicated and widened in order to facilitate two-way traffic. The applicant should check with Bureau of Engineering's Land Development Group to determine the specific highway dedication, street widening and/or sidewalk requirements for this project.

D. Parking Requirements

The traffic study indicated that the project would provide up to 1,075 vehicle parking spaces and 786 bicycle parking spaces on-site. The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

E. Driveway Access and Circulation

The traffic study indicates that two proposed driveways will provide access to the building's underground parking, including shared access for residents and retail and restaurant customers. The conceptual site plan for the project illustrated in **Attachment 3** is acceptable to DOT. However, the review of this study does not constitute approval of the driveway dimensions, access and circulation scheme. Those require separate review and approval and should be coordinated with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, @ 213-482-7024). In order to minimize and prevent last minute building design changes, the applicant should contact DOT, prior to the commencement of building or parking layout design efforts, for driveway width and internal circulation requirements. New driveways should be Case 2 - designed with a recommended width of 30 feet for two-way operations or 16 feet for one-way operations. Delivery truck loading and unloading should take place on site with no vehicles having to back into the project via the proposed project driveways on any adjacent street. However, the truck loading dock off of the alley (Blackstone Court) is acceptable.

F. Development Review Fees

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council in 2009 and updated in 2014. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

If you have any questions, please contact Vicente Cordero at (818) 374-4697.

Attachments

*K:\Letters\2017\CEN17-45630\_1030 S Hill St\_mu\_ts ltr.docx*

c: Shawn Kuk, Council District 14  
Mehrdad Moshksar, Central District Office, DOT  
Taimour Tanavoli, Citywide Planning Coordination Section, DOT  
Carl Mills, Central District, BOE  
Amanda Heike, Fehr & Peers

## Attachment 1

### Volume to Capacity Ratios (v/c) and Levels of Service (LOS) 1030 South Hill Street

TABLE 8 OLYMPIC & HILL PROJECT FUTURE YEAR (2022) PLUS PROJECT INTERSECTION LEVELS OF SERVICE AND IMPACT ANALYSIS								
NO.	INTERSECTION	PEAK HOUR	FUTURE (2022)		FUTURE (2022) + PROJECT		V/C INCREASE	SIGNIFICANT IMPACT?
			V/C	LOS	V/C	LOS		
1	Grand Ave & Olympic Blvd	AM	0.533	A	0.539	A	0.006	No
		PM	0.794	C	0.803	D	0.009	No
2	Olive St & 9th St	AM	0.541	A	0.545	A	0.004	No
		PM	0.582	A	0.586	A	0.004	No
3	Olive St & Olympic Blvd	AM	0.584	A	0.590	A	0.006	No
		PM	0.740	C	0.743	C	0.003	No
4	Olive St & 11th Street	AM	0.431	A	0.447	A	0.016	No
		PM	0.643	B	0.653	B	0.010	No
5	Hill St & 8th St	AM	0.615	B	0.625	B	0.010	No
		PM	0.786	C	0.797	C	0.011	No
6	Hill St & 9th St	AM	0.594	A	0.607	B	0.013	No
		PM	0.673	B	0.683	B	0.010	No
7	Hill St & Olympic Blvd	AM	0.519	A	0.548	A	0.029	No
		PM	0.825	D	0.847	D	0.022	Yes
8	Hill St & 11th St	AM	0.322	A	0.341	A	0.019	No
		PM	0.687	B	0.697	B	0.010	No
9	Hill St & 12th St	AM	0.492	A	0.504	A	0.012	No
		PM	0.578	A	0.605	B	0.027	No
10	Broadway & 9th St	AM	0.481	A	0.486	A	0.005	No
		PM	0.721	C	0.729	C	0.008	No
11	Broadway & Olympic Blvd	AM	0.545	A	0.563	A	0.018	No
		PM	0.833	D	0.847	D	0.014	No
12	Broadway & 11th St	AM	0.317	A	0.319	A	0.002	No
		PM	0.675	B	0.695	B	0.020	No
13	Main St & Olympic Blvd	AM	0.541	A	0.551	A	0.010	No
		PM	0.880	D	0.894	D	0.014	No

TABLE 10 OLYMPIC & HILL PROJECT FUTURE YEAR (2022) PLUS PROJECT WITH MITIGATION INTERSECTION LEVELS OF SERVICE AND IMPACT ANALYSIS												
NO.	INTERSECTION	PEAK HOUR	FUTURE (2022)		FUTURE (2022) + PROJECT		V/C INCREASE	SIGNIFICANT IMPACT?	FUTURE + PROJECT WITH MITIGATION		V/C INCREASE	SIGNIFICANT IMPACT?
			V/C	LOS	V/C	LOS			V/C	LOS		
7	Hill St & Olympic Blvd	AM	0.519	A	0.548	A	0.029	No	0.545	A	0.026	No
		PM	0.825	D	0.847	D	0.022	Yes	0.844	D	0.019	No

## Attachment 2

### Project Trip Generation Estimates 1030 South Hill Street

<b>TABLE 4 OLYMPIC &amp; HILL PROJECT VEHICLE TRIP GENERATION ESTIMATE</b>																	
Land Use	ITE Land Use Code	Size	Trip Generation Rates [a]									Estimated Trip Generation					
			Daily	AM Peak Hour			PM Peak Hour			Daily	AM Peak Hour Trips			PM Peak Hour Trips			
				Rate	In%	Out%	Rate	In%	Out%		In	Out	Total	In	Out	Total	
<b>PROPOSED PROJECT</b>																	
High-Rise Residential [e]	222,232	700 DU	4.20	0.34	19%	81%	0.38	62%	38%	2,940	45	193	238	165	101	266	
<i>Internal Capture [b]</i>			3%		2%	7%		5%	9%	(88)	(1)	(2)	(3)	(9)	(9)	(18)	
Net External Vehicle Trips										<u>2,852</u>	<u>44</u>	<u>191</u>	<u>235</u>	<u>156</u>	<u>92</u>	<u>248</u>	
Retail	820	7 ksf	42.70	0.96	62%	38%	3.71	48%	52%	299	4	3	7	12	14	26	
<i>Less: Internal Capture [b]</i>			39%		14%	40%		60%	54%	(117)	(1)	(1)	(2)	(7)	(8)	(15)	
<i>Less: Transit Credit [c]</i>			5%	15%			15%			(9)	0	0	0	(1)	(1)	(2)	
Total Driveway Trips										173	3	2	5	4	5	9	
<i>Less: Pass-by [d]</i>			50%	50%			50%			(86)	(1)	(1)	(2)	(2)	(2)	(4)	
Net External Vehicle Trips										<u>87</u>	<u>2</u>	<u>1</u>	<u>3</u>	<u>2</u>	<u>3</u>	<u>5</u>	
Quality Restaurant	931	8 ksf	89.95	0.81	82%	18%	7.49	67%	33%	720	5	1	6	40	20	60	
<i>Less: Internal Capture [b]</i>			24%		33%	0%		25%	47%	(173)	(2)	0	(2)	(10)	(9)	(19)	
<i>Less: Transit Credit [c]</i>			8%	15%			15%			(44)	0	0	0	(5)	(2)	(7)	
Total Driveway Trips										503	3	1	4	25	9	34	
<i>Less: Pass-by [d]</i>			10%	10%			10%			(50)	0	0	0	(2)	0	(2)	
Net External Vehicle Trips										<u>453</u>	<u>3</u>	<u>1</u>	<u>4</u>	<u>23</u>	<u>9</u>	<u>32</u>	
<b>TOTAL PROJECT DRIVEWAY TRIPS</b>										3,528	50	194	244	185	106	291	
<b>NET EXTERNAL VEHICLE TRIPS</b>										3,392	49	193	242	181	104	285	

**Notes:**

[a] Source: Institute of Transportation Engineers (ITE), *Trip Generation, 9th Edition*, 2012.

[b] Internal capture represents the percentage of trips between land uses that occur within the site. This percentage is informed by the Trip Generation for Mixed-Use Development calculation methodology described in Chapter 6 of the *ITE Trip Generation Handbook*, 3rd edition, 2014. Internalization percentages are derived from *NCHRP Report 684: Enhancing Internal Trip Capture Estimation for Mixed-Use Developments*, Transportation Research Board, 2011. See Attachment B for detailed calculation tables. The daily credit is assumed to be 75% of peak hour credits taken.

[c] The transit credit is based on LADOT's *Traffic Study Policies and Procedures*, December 2016. The guidelines state that up to 15% transit credit may be taken for projects within 1/4 mile walking distance of a transit station or of a RapidBus stop. The nearest RapidBus service is provided by Route 728 on Olympic Boulevard and Hill Street and Route 794 on Hill Street, adjacent to the project site. The daily credit is assumed to be 75% of peak hour credits taken.

[d] The pass-by credit is based on Attachment I of LADOT's *Traffic Study Policies and Procedures*, December 2016.

[e] For flexibility, the trip generation analysis uses the most conservative (highest) rates for high-rise apartments versus high-rise condominiums: ITE code 222 (high-rise apartment) for daily trips and ITE code 232 (high-rise condominium) for peak hour trips. Since the high-rise residences in the ITE database are generally in urban areas with transit service, no additional transit credit was taken to provide a conservative estimate.

# Attachment 3

## Conceptual Site Plan - 1030 South Hill Street



## **Exhibit D – Mitigation Negative Declaration**

3 of 4: Mitigation Monitoring Report

# MITIGATION MONITORING PROGRAM

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Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Mitigation Monitoring Program, Section 15097 of the *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting). This Mitigation Monitoring Program (MMP) has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6, and Section 15097 of the CEQA Guidelines. The City of Los Angeles is the Lead Agency for this project.

A Mitigated Negative Declaration (MND) has been prepared to address the potential environmental impacts of the Project. Where appropriate, this environmental document identified Project design features, regulatory compliance measures, or recommended mitigation measures to avoid or to reduce potentially significant environmental impacts of the Proposed Project. This Mitigation Monitoring Program (MMP) is designed to monitor implementation of the mitigation measures identified for the Project.

The MMP is subject to review and approval by the City of Los Angeles as the Lead Agency as part of the approval process of the project, and adoption of project conditions. The required mitigation measures are listed and categorized by impact area, as identified in the MND.

The Project Applicant shall be responsible for implementing all mitigation measures, unless otherwise noted, and shall be obligated to provide documentation concerning implementation of the listed mitigation measures to the appropriate monitoring agency and the appropriate enforcement agency as provided for herein. All departments listed below are within the City of Los Angeles unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the Project Applicant unless otherwise noted.

As shown on the following pages, each required mitigation measure for the proposed Project is listed and categorized by impact area, with accompanying discussion of:

Enforcement Agency – the agency with the power to enforce the Mitigation Measure.

Monitoring Agency – the agency to which reports involving feasibility, compliance, implementation and development are made, or whom physically monitors the project for compliance with mitigation measures.

Monitoring Phase – the phase of the Project during which the Mitigation Measure shall be monitored.

- Pre-Construction, including the design phase
- Construction
- Pre-Operation
- Operation (Post-construction)

Monitoring Frequency – the frequency of which the Mitigation Measure shall be monitored.

Action Indicating Compliance – the action of which the Enforcement or Monitoring Agency indicates that compliance with the required Mitigation Measure has been implemented.

The MMP performance shall be monitored annually to determine the effectiveness of the measures implemented in any given year and reevaluate the mitigation needs for the upcoming year.

It is the intent of this MMP to:

Verify compliance of the required mitigation measures of the MND;

Provide a methodology to document implementation of required mitigation;

Provide a record and status of mitigation requirements;

Identify monitoring and enforcement agencies;

Establish and clarify administrative procedures for the clearance of mitigation measures;

Establish the frequency and duration of monitoring and reporting; and

Utilize the existing agency review processes' wherever feasible.

This MMP shall be in place throughout all phases of the proposed Project. The entity responsible for implementing each mitigation measure is set forth within the text of the mitigation measure. The entity responsible for implementing the mitigation shall also be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented.

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made by the Applicant or its successor subject to the approval by the City of Los Angeles through a public hearing. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. The flexibility is necessary in light of the proto-typical nature of the MMP, and the need to protect the environment with a workable program. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

# MITIGATION MONITORING PROGRAM

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## Biology

### **BIO-1: Habitat Modification (Nesting Native Birds)**

- Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture of kill (Fish and Game Code Section 86).
- If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
  - a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
  - b. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.
  - c. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
  - d. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, prior to issuance of building permit; or, if vegetation removal, building demolition or grading is initiated during the nesting season, as determined by a qualified biologist

**Action Indicating Compliance:** if vegetation removal, building demolition, or grading is initiated during the nesting season, submittal of a survey report by a qualified biologist.

## Hazards and Hazardous Materials

### HAZ-1: Soil Management Plan

Environmental impacts may result from project implementation due to the use, storage, and creation of hazardous materials. However, these impacts can be mitigated to a less than significant level by the following measure:

- Due to the historic UST removed from 1022 S. Hill Street, when mass excavation/grading is to be conducted at this portion of the Project Site, proper soil management protocols would need to be followed in the event that petroleum hydrocarbon impacted soil is encountered and displaced.
- Construction and grading activities on-site shall implement a Soil Management Plan to the satisfaction of the Los Angeles Fire Department and the Department of Building and Safety.

**Enforcement Agency:** Los Angeles Fire Department; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Fire Department; Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-operation

**Monitoring Frequency:** Once, for Plan approval prior to operation

**Action Indicating Compliance:** Plan approval prior to operation (Pre-operation)

## Noise

### N-1 to N-6: Increased Noise Levels (Demolition, Grading, and Construction Activities)

- 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.
- To the maximum extent practical, 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 noise shielding and muffling devices.
- The project contractor shall erect a temporary noise-attenuating sound barrier along the perimeter of the Project Site. The sound wall shall be a minimum of 8 feet in height to block the line-of-site of construction equipment and off site receptors at the ground level. The sound barrier shall include  $\frac{3}{4}$  inch plywood or other sound absorbing material capable of achieving a 5-dBA reduction in sound level.
- During structural framing, the project contractor shall utilize temporary portable acoustic barriers, partitions, or acoustic blankets to effectively block the line-of-sight between noise producing equipment and the adjacent residential land uses for purposes of ensuring noise levels at the adjacent residential land uses does not exceed 5 dBA over the ambient noise levels.
- An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours of their receipt.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during field inspection

**Action Indicating Compliance:** Issuance of Certificate of Occupancy or Use of Land

#### **N-7: Temporary Groundborne Vibrations**

- All new construction work shall be performed so as not to adversely affect the structural integrity of the adjacent buildings. Prior to commencement of construction, the applicant shall retain a qualified structural engineer to survey the existing foundations and structures of the adjacent buildings, and provide a plan to protect them from potential damage. The performance standards of the structure monitoring plan shall including 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 buildings. A registered structural engineer 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 adjacent structures 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.

- In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant and, if warranted, in a manner that meets the Secretary of the Interior's Standards.
- The structure monitoring program and initial survey documentation shall be submitted to the Department of Building and Safety and received into the case file for the associated discretionary action permitting the project prior to construction.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during field inspection

**Action Indicating Compliance:** Issuance of Certificate of Occupancy or Use of Land

**N-8: 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.

**Enforcement Agency:** Los Angeles Department Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; Construction

**Monitoring Frequency:** Once, at plan check for Project; Once, during field inspection

**Action Indicating Compliance:** Plan approval and issuance of applicable building permit (Preconstruction); Issuance of Certificate of Occupancy of Use of Land (Construction)

## Public Services

### PS-1: Public Services (Police – Demolition/Construction Sites)

Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

**Enforcement Agency:** Los Angeles Department of building and Safety

**Monitoring Agency:** Los Angeles Department of building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance:** Field inspection sign-off

### PS-2: Public Services (Police)

Environmental impacts may result from project implementation due to the location of the project in an area having marginal police services. However, this potential impact will be mitigated to a less than significant level by the following measure:

- 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.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Issuance of building permits

## Transportation and Traffic

### T-1: Compliance with LADOT

- The Applicant shall implement the project requirements detailed in DOT's communication to the Planning Department (DOT Case No. CEN 17-45630 dated July 12, 2017, attached) and as listed below:

#### Construction Impacts

DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should 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. DOT also recommends that construction related traffic be restricted to off-peak hours to the extent possible.

#### Transportation Demand Management (TDM) Program

A final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program should include, but not be limited to the following strategies:

The TDM program should include, but not be limited to the following strategies:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- Administrative support for the formation of carpools/vanpools;
- Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
- Establish bike and walk to work promotions;
- Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- Coupled with the unbundled parking, provide on-site car share amenities for residents;
- Guaranteed ride home program;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Coordinate with DOT to determine if the project location is eligible for a future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
- Provide on-site transit routing and schedule information;

- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Provide rideshare matching services;
- Preferential rideshare loading/unloading or parking location;
- Contribute a one-time fixed fee contribution of **\$50,000** to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.

#### Highway Dedication and Street Widening Requirements

The applicant should check with Bureau of Engineering's Land Development Group to determine the specific highway dedication, street widening and/or sidewalk requirements for this project.

#### Parking Requirements

The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

#### Driveway Access and Circulation

The traffic study indicates that two proposed driveways will provide access to the building's underground parking, including shared access for residents and retail and restaurant customers. The conceptual site plan for the project illustrated in Attachment 3 is acceptable to DOT. However, the review of this study does not constitute approval of the driveway dimensions, access and circulation scheme. Those require separate review and approval and should be coordinated with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, @ 213-482-7024). In order to minimize and prevent last minute building design changes, the applicant should contact DOT, prior to the commencement of building or parking layout design efforts, for driveway width and internal circulation requirements. New driveways should be Case 2 - designed with a recommended width of 30 feet for two-way operations or 16 feet for one-way operations. Delivery truck loading and unloading should take place on site with no vehicles having to back into the project via the proposed project driveways on any adjacent street. However, the truck loading dock off of the alley (Blackstone Court) is acceptable.

#### Development Review Fees

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council in 2009 and updated in 2014. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall

comply with any applicable fees per this ordinance.

**Enforcement Agency:** Los Angeles Department of Building and Safety, Los Angeles Department of Transportation

**Monitoring Agency:** Los Angeles Department of Building and Safety, Los Angeles Department of Transportation

**Monitoring Phase:** Ongoing

**Monitoring Frequency:** Ongoing

**Action Indicating Compliance:** Issuance of Certificate of Occupancy

## **T-2: Transportation Demand Management Plan and Monitoring Program**

- The Applicant shall prepare and submit a Transportation Demand Management (TDM) Plan to the Department of Transportation prior to the issuance of the first building permit for the Project. A final TDM Plan shall be submitted and approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the Project. The TDM Plan shall include strategies, as determined to be appropriate by the Department of Transportation, that would have a minimum fifteen (15) percent effectiveness in reducing new vehicle trips. TDM program elements should include, but not be limited to, the strategies listed in Mitigation Measure T-1 and the following:
  - Site Design – The site will be designed to encourage walking, biking, and transit. Amenities would include:
    - New sidewalks and street trees along the perimeter
    - Improved street and pedestrian lighting.
  - Unbundled Parking – Unbundling parking typically separates the cost of purchasing or renting parking spaces from the cost of the purchasing or renting a dwelling unit. Saving money on a dwelling unit by forgoing a parking space acts as an incentive that minimizes auto ownership. Similarly, paying for parking (by purchasing or leasing a space) acts as a disincentive that discourages auto ownership and trip-making.
  - Bicycle Parking – As described in Chapter 7, the Project will provide both long term and short-term bicycle parking. In addition, the Project could provide complementary amenities such as a self-service bike repair area.

A Monitoring Program shall be prepared to provide continued monitoring of the TDM Plan's effectiveness. The Monitoring Program shall be prepared by a licensed Transportation Engineer and be submitted to the Department of Transportation for review. The Monitoring Program shall continue until such time that the Project has shown, for three consecutive years, at a minimum of 85 percent occupancy, a minimum fifteen (15) percent effectiveness in reducing new vehicle trips through implementation of the TDM Plan. Should the review show that the trip reductions have not been met, the Project shall have one year to attain compliance or be subject to a penalty program.

**Enforcement Agency:** Los Angeles Department of Building and Safety, Los Angeles Department of Transportation

**Monitoring Agency:** Los Angeles Department of Building and Safety, Los Angeles Department of Transportation

**Monitoring Phase:** Ongoing

**Monitoring Frequency:** Ongoing (annual review by Department of Transportation)

**Action Indicating Compliance:** Issuance of Certificate of Occupancy

### **T-3: Construction Management Plan**

- The following will be implemented prior to construction:
  - As traffic lane, parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.
  - Ensure that access will remain unobstructed for land uses in proximity to the project site during project construction.
  - Coordinate with the City and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.

**Enforcement Agency:** Los Angeles Department of Building and Safety, Los Angeles Department of Transportation

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Issuance of Certificate of Occupancy

## Tribal Cultural Resources

### TRI-1: Tribal Cultural Resources

In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities<sup>1</sup>, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite

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<sup>1</sup> *Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity*

professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.

f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.

g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during field inspection

**Action Indicating Compliance:** Issuance of Certificate of Occupancy or Use of Land

# Regulatory Compliance Measures

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In addition to the Mitigation Measures required of the project, and any proposed Project Design Features, the applicant shall also adhere to any applicable Regulatory Compliance Measures required by law. Listed below is a list of often required Regulatory Compliance Measures. Please note that requirements are determined on a case by case basis, and these are an example of the most often required Regulatory Compliance Measures.

## AESTHETICS

- **Regulatory Compliance Measure RC-AE-1 (Hillside): Compliance with Baseline Hillside Ordinance.** To ensure consistency with the Baseline Hillside Ordinance, the project shall comply with the City's Hillside Development Guidelines, including but not limited to setback requirements, residential floor area maximums, height limits, lot coverage and grading restrictions.
- **Regulatory Compliance Measure RC-AE-2 (LA River): Compliance with provisions of the Los Angeles River Improvement Overlay District.** The project shall comply with development regulations set forth in Section 13.17.F of the Los Angeles Municipal Code as applicable, including but not necessarily limited to, landscaping, screening/fencing, and exterior site lighting.
- **Regulatory Compliance Measure RC-AE-3 (Vandalism): Compliance with provisions of the Los Angeles Building Code.** The project shall comply with all applicable building code requirements, including the following:
  - 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.
  - 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.
- **Regulatory Compliance Measure RC-AE-4 (Signage): Compliance with provisions of the Los Angeles Building Code.** The project shall comply with the Los Angeles Municipal Code Section 91.6205, including on-site signage maximums and multiple temporary sign restrictions, as applicable.
- **Regulatory Compliance Measure RC-AE-5 (Signage on Construction Barriers): Compliance with provisions of the Los Angeles Building Code.** The project shall comply with the Los Angeles Municipal Code Section 91.6205, including but not limited to the following provisions:
  - The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: “POST NO BILLS”.

- Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.
- 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.

## **AGRICULTURE and FORESTRY**

### **AIR QUALITY**

- **Regulatory Compliance Measure RC-AQ-1(Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
  - 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 could reduce fugitive dust by as much as 50 percent.
  - 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.
  - 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.
  - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
  - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
  - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-AQ-2:** In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
- **Regulatory Compliance Measure RC-AQ-3:** In accordance with Section 93115 in Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.
- **Regulatory Compliance Measure RC-AQ-4:** The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.

- **Regulatory Compliance Measure RC-AQ-5:** The Project shall install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138.
- **Regulatory Compliance Measure RC-AQ-6:** New on-site facility nitrogen oxide emissions shall be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers and water heaters) as required by South Coast Air Quality Management District Regulation XIII, New Source Review.
- **Regulatory Compliance Measure RC-AQ-7 (Spray Painting): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable rules of the Southern California Air Quality Management District, including the following:
  - All spray painting shall be conducted within an SCAQMD-approved spray paint booth featuring approved ventilation and air filtration system.
  - Prior to the issuance of a building permit, use of land, or change of use to permit spray painting, certification of compliance with SCAQMD air pollution regulations shall be submitted to the Department of Building and Safety.
- **Regulatory Compliance Measure RC-AQ-8 (Wireless Facilities):** If rated higher than 50 brake horsepower (bhp), permit required in accordance with SCAQMD Rule 1470 - Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Initial Engines and SCAQMD Rule 1110.2 - Emissions from Gaseous- and Liquid- Field Engines.

## **BIOLOGY**

- **(Duplicate of WQ Measure) Regulatory Compliance Measure RC-WQ-5 (Alteration of a State or Federal Watercourse):** The project shall comply with the applicable sections of the federal Clean Water Act (CWA) and California's Porter Cologne Water Quality Control Act (Porter Cologne). Prior to the issuance of any grading, use of land, or building permit which may affect an existing watercourse, the applicant shall consult with the following agencies and obtain all necessary permits and/or authorizations, to the satisfaction of the Department of Building and Safety. Compliance shall be determined through written communication from each jurisdictional agency, a copy of which shall be submitted to the Environmental Review case file for reference:
  - *United States Army Corps of Engineers.* The applicant shall obtain a Jurisdictional Determination (preliminary or approved), or a letter otherwise indicating that no permit is required. Contact: Aaron O. Allen, Chief - North Coast Branch, Regulatory Division, 805-585-2148.
  - *State Water Resources Control Board.* The applicant shall consult with the 401 Certification and Wetlands Unit and obtain all necessary permits and/or authorizations, or a letter otherwise indicating that no permit is required. Contact: 401 Certification and Wetlands Unit, Los Angeles Region, 320 W 4th Street, #200, Los Angeles, CA 90013, (213) 576-6600.
  - *California Department of Fish and Wildlife.* The applicant shall consult with the Lake and Streambed Alteration Agreement Program and obtain a Streambed

Alteration Agreement, or a letter otherwise indicating that no permit is required. Contact: LSAA Program, 4949 Viewridge Avenue, San Diego, CA 92123, (858) 636-3160.

## **CULTURAL RESOURCES**

- **Regulatory Compliance Measure RC-CR-1 (Designated Historic-Cultural Resource): Compliance with United States Department of the Interior – National Park Service – Secretary of the Interior’s Standards for the Treatment of Historic Properties.** The project shall comply with the Secretary of the Interior's Standards for Historical Resources, including but not limited to the following measures:
  - Prior to the issuance of any permit, the project shall obtain clearance from the Department of Cultural Affairs for the proposed work.
  - A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  - The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces shall be avoided.
  - Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, shall not be undertaken.
  - Most properties change over time; those changes that have acquired significance in their own right shall be retained and preserved.
  
- **Regulatory Compliance Measure RC-CR-2 (Archaeological):** If archaeological resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2. Personnel of the proposed Modified Project shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the Project site. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2.
  - Distinctive features, finishes and construction techniques or examples of skilled craftsmanship which characterize an historic property shall be preserved.
  - Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive historic feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

- Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- **Regulatory Compliance Measure RC-CR-3 (Paleontological):** If paleontological resources are discovered during excavation, grading, or construction, the City of Los Angeles Department of Building and Safety shall be notified immediately, and all work shall cease in the area of the find until a qualified paleontologist evaluates the find. Construction activity may continue unimpeded on other portions of the Project site. The paleontologist shall determine the location, the time frame, and the extent to which any monitoring of earthmoving activities shall be required. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2.
  - **Regulatory Compliance Measure CR-4 (Human Remains):** If human remains are encountered unexpectedly during construction demolition and/or grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code (PRC) Section 5097.98. In the event that human remains are discovered during excavation activities, the following procedure shall be observed:
    - 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)

If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).

The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.

- 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.
- If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

## **GEOLOGY AND SOILS**

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-GEO-2 (Hillside Grading Area):** The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
- **Regulatory Compliance Measure RC-GEO-3 (Landslide Area):** 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 landslide and soil displacement, 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

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.

- **Regulatory Compliance Measure RC-GEO-4 (Liquefaction Area):** The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. 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 liquefaction and 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.

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.

- **Regulatory Compliance Measure RC-GEO-5 (Subsidence Area):** Prior to the issuance of building or grading permits, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety. The geotechnical report shall assess potential consequences of any subsidence and 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. 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.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** 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 expansion and 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. 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.
- **Regulatory Compliance Measure RC-GHG-1 (Green Building Code):** In accordance with the City of Los Angeles Green Building Code (Chapter IX, Article 9, of the Los Angeles Municipal Code), the Project shall comply with all applicable mandatory provisions of the 2013 Los Angeles Green Code and as it may be subsequently amended or modified.

## **HAZARDS AND HAZARDOUS MATERIALS**

- **Regulatory Compliance Measure RC-HAZ-1: Explosion/Release (Existing Toxic/Hazardous Construction Materials)**
  - **(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.
  - **(Lead Paint)** Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint

materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

- **(Polychlorinated Biphenyl – Commercial and Industrial Buildings)** Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.
- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the Project Site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.
- **Regulatory Compliance Measure RC-HAZ-4 Listed Sites (Removal of Underground Storage Tanks):** Underground Storage Tanks shall be decommissioned or removed as determined by the Los Angeles City Fire Department Underground Storage Tank Division. If any contamination is found, further remediation measures shall be developed with the assistance of the Los Angeles City Fire Department and other appropriate State agencies. Prior to issuance of a use of land or building permit, a letter certifying that remediation is complete from the appropriate agency (Department of Toxic Substance Control or the Regional Water Quality Control Board) shall be submitted to the decision maker.
- **Regulatory Compliance Measure RC-HAZ-5 (Hazardous Materials Site):** Prior to the issuance of any use of land, grading, or building permit, the applicant shall obtain a sign-off from the Fire Department indicating that all on-site hazardous materials, including contamination of the soil and groundwater, have been suitably remediated, or that the proposed project will not impede proposed or on-going remediation measures.

## HYDROLOGY AND WATER QUALITY

- **Regulatory Compliance Measure RC-WQ-1: National Pollutant Discharge Elimination System General Permit.** Prior to issuance of a grading permit, the Applicant shall obtain coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System No. CAS000002) (Construction General Permit) for

Phase 1 of the proposed Modified Project. The Applicant shall provide the Waste Discharge Identification Number to the City of Los Angeles to demonstrate proof of coverage under the Construction General Permit. A Storm Water Pollution Prevention Plan shall be prepared and implemented for the proposed Modified Project in compliance with the requirements of the Construction General Permit. The Storm Water Pollution Prevention Plan shall identify construction Best Management Practices to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in stormwater runoff as a result of construction activities.

- **Regulatory Compliance Measure RC-WQ-2: Dewatering.** If required, any dewatering activities during construction shall comply with the requirements of the Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (Order No. R4-2008-0032, National Pollutant Discharge Elimination System No. CAG994004) or subsequent permit. This will include submission of a Notice of Intent for coverage under the permit to the Los Angeles Regional Water Quality Control Board at least 45 days prior to the start of dewatering and compliance with all applicable provisions in the permit, including water sampling, analysis, and reporting of dewatering-related discharges.
- **Regulatory Compliance Measure RC-WQ-3: Low Impact Development Plan.** Prior to issuance of grading permits, the Applicant shall submit a Low Impact Development Plan and/or Standard Urban Stormwater Mitigation Plan to the City of Los Angeles Bureau of Sanitation Watershed Protection Division for review and approval. The Low Impact Development Plan and/or Standard Urban Stormwater Mitigation Plan shall be prepared consistent with the requirements of the Development Best Management Practices Handbook.
- **Regulatory Compliance Measure RC-WQ-4: Development Best Management Practices.** The Best Management Practices shall be designed to retain or treat the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period, in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a licensed civil engineer or licensed architect confirming that the proposed Best Management Practices meet this numerical threshold standard shall be provided.
- **Regulatory Compliance Measure RC-WQ-5 (Alteration of a State or Federal Watercourse):** The project shall comply with the applicable sections of the federal Clean Water Act (CWA) and California's Porter Cologne Water Quality Control Act (Porter Cologne). Prior to the issuance of any grading, use of land, or building permit which may affect an existing watercourse, the applicant shall consult with the following agencies and obtain all necessary permits and/or authorizations, to the satisfaction of the Department of Building and Safety. Compliance shall be determined through written communication from each jurisdictional agency, a copy of which shall be submitted to the Environmental Review case file for reference:
  - *United States Army Corps of Engineers.* The applicant shall obtain a Jurisdictional Determination (preliminary or approved), or a letter otherwise indicating that no permit is required. Contact: Aaron O. Allen, Chief - North Coast Branch, Regulatory Division, 805-585-2148.

- *State Water Resources Control Board.* The applicant shall consult with the 401 Certification and Wetlands Unit and obtain all necessary permits and/or authorizations, or a letter otherwise indicating that no permit is required. Contact: 401 Certification and Wetlands Unit, Los Angeles Region, 320 W 4th Street, #200, Los Angeles, CA 90013, (213) 576-6600.
- *California Department of Fish and Wildlife.* The applicant shall consult with the Lake and Streambed Alteration Agreement Program and obtain a Streambed Alteration Agreement, or a letter otherwise indicating that no permit is required. Contact: LSAA Program, 4949 Viewridge Avenue, San Diego, CA 92123, (858) 636-3160.
- **Regulatory Compliance Measure RC-WQ-6 (Flooding/Tidal Waves):** The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172081 effective 7/3/98.

### **LAND USE AND PLANNING**

- **Regulatory Compliance Measure RC-LU-1 (Slope Density):** The project shall not exceed the maximum density permitted in Hillside Areas, as calculated by the formula set forth in Los Angeles Municipal Code Section 17.05-C (for tracts) or 17.50-E (for parcel maps).

### **MINERAL RESOURCES**

### **NOISE**

- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

### **POPULATION AND HOUSING**

- **New Regulatory Compliance Measure RC-PH-1 (Tenant Displacement):**
  - **Apartment Converted to Condominium** - Prior to final map recordation, and pursuant to the provisions of Section 12.95.2-G and 47.06 of the Los Angeles Municipal Code (LAMC), a tenant relocation plan shall be submitted to the Los Angeles Housing Department for review and approval.
  - **Apartment Demolition** - Prior to the issuance of a demolition permit, and pursuant to the provisions of Section 47.07 of the Los Angeles Municipal Code, a tenant relocation plan shall be submitted to the Los Angeles Housing Department for review and approval.
  - **Mobile Home Park Closure or Conversion to Different Use** Prior to the issuance of any permit or recordation, and pursuant to the provisions of Section 47.08 and 47.09 of the Los Angeles Municipal Code, a tenant relocation plan and mobile home park closure impact report shall be submitted to the Los Angeles Housing Department for review and approval.

## **PUBLIC SERVICES**

### **Schools**

- **Regulatory Compliance Measure RC-PS-1 (Payment of School Development Fee)** Prior to issuance of a building permit, the General Manager of the City of Los Angeles, Department of Building and Safety, or designee, shall ensure that the Applicant has paid all applicable school facility development fees in accordance with California Government Code Section 65995.

### **Parks**

- **Regulatory Compliance Measure RC-PS-2 (Increased Demand For Parks Or Recreational Facilities):**
  - (*Subdivision*) Pursuant to Section 17.12-A or 17.58 of the Los Angeles Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of dwelling units.
  - (*Apartments*) Pursuant to Section 21.10 of the Los Angeles Municipal Code, the applicant shall pay the Dwelling Unit Construction Tax for construction of apartment buildings.
- **Regulatory Compliance Measure RC-PS-3 (Increase Demand For Parks Or Recreational Facilities – Zone Change)** Pursuant to Section 12.33 of the Los Angeles Municipal Code, the applicant shall pay the applicable fees for the construction of dwelling units.

## **RECREATION**

See RC measures above under Parks.

## **TRANSPORTATION AND TRAFFIC**

- **Regulatory Compliance Measure RC-TT-1 (Increased Vehicle Trips/Congestion - West Side Traffic Fee)** Prior to issuance of a Building Permit, the applicant shall pay a traffic impact fee to the City, based on the requirements of the West Los Angeles Traffic Improvement and Mitigation Specific Plan (WLA TIMP).

## **PUBLIC UTILITIES AND SERVICE SYSTEMS**

### **Water Supply**

- **Regulatory Compliance Measure RC-WS-1 (Fire Water Flow)** The Project Applicant shall consult with the LADBS and LAFD to determine fire flow requirements for the Proposed Project, and will contact a Water Service Representative at the LADWP to order a SAR. This system hydraulic analysis will determine if existing LADWP water supply facilities can provide the proposed fire flow requirements of the Project. If water main or

infrastructure upgrades are required, the Applicant would pay for such upgrades, which would be constructed by either the Applicant or LADWP.

- **Regulatory Compliance Measure RC-WS-2 (Green Building Code):** The Project shall implement all applicable mandatory measures within the LA Green Building Code that would have the effect of reducing the Project's water use.
- **Regulatory Compliance Measure RC-WS-3 (New Carwash):** The applicant shall incorporate a water recycling system to the satisfaction of the Department of Building and Safety.
- **Regulatory Compliance Measure RC-WS-4 (Landscape)** 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).

### Energy

- **Regulatory Compliance Measure RC-EN-1(Green Building Code):** The Project shall implement all applicable mandatory measures within the LA Green Building Code that would have the effect of reducing the Project's energy use.

### Solid Waste

- **Regulatory Compliance Measure RC-SW-1 (Designated Recycling Area)** In compliance with Los Angeles Municipal Code, the proposed Modified Project shall provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, and metals.
- **Regulatory Compliance Measure RC-SW-2 (Construction Waste Recycling)** In order to meet the diversion goals of the California Integrated Waste Management Act and the City of Los Angeles, which will total 70 percent by 2013, the Applicant shall salvage and recycle construction and demolition materials to ensure that a minimum of 70 percent of construction-related solid waste that can be recycled is diverted from the waste stream to be landfilled. Solid waste diversion would be accomplished through the on-site separation of materials and/or by contracting with a solid waste disposal facility that can guarantee a minimum diversion rate of 70 percent. In compliance with the Los Angeles Municipal Code, the General Contractor shall utilize solid waste haulers, contractors, and recyclers who have obtained an Assembly Bill (AB) 939 Compliance Permit from the City of Los Angeles Bureau of Sanitation.
- **Regulatory Compliance Measure RC-SW-3 (Commercial/Multifamily Mandatory Recycling)** In compliance with AB341, 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 Proposed Project's regular solid waste disposal program. The Project Applicant shall only contract for waste disposal services with a company that recycles solid waste in compliance with AB341.

## **Exhibit D – Mitigation Negative Declaration**

4 of 4: MND Comments and Responses



May 10, 2018

[via email: [michael.sin@lacity.org](mailto:michael.sin@lacity.org)]

Mr. Michael Sin, City Planning Associate

**City of Los Angeles**

**Department of City Planning**

200 N. Spring Street, Room 621

Los Angeles CA 90012

**Re: Response to SCAQMD's Comment Letter on the MND for the Olympic and Hill Project  
(ENV-2016-4711-MND)**

Dear Michael,

On behalf of Onni Group, Inc., (the "Project Applicant"), Parker Environmental Consultants has reviewed the comment letter submitted by the South Coast Air Quality Management District (SCAQMD) during the public review period for the IS/MND, and has provided detailed responses addressing the SCAQMD's comments. While the lead agency is not required to submit written responses to comment submitted on MNDs, we have prepared this response to provide the City decision-makers with the most complete record possible.

The MND was prepared in accordance with CEQA, the State CEQA Guidelines, the City's LA CEQA Thresholds Guide, and incorporated the methodologies and threshold of significance as defined in the SCAQMD's CEQA Air Quality Handbook (1993). The comments provided by SCAQMD do not raise any objection to the adequacy or completeness of the air quality analysis provided in the MND, and merely provide recommendations to impose mitigation measures that go above and beyond the legal requirements of CEQA. As discussed below, the Project's air quality impacts were found to be less than significant with implementation of regulatory compliance measures, and no mitigation measures are warranted. CEQA does not authorize a lead agency to impose mitigation measures for impacts that have been determined to be less than significant. Pursuant to PRC Section 15126.4(a)(5), "[i]f the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination." Therefore, consistent with this guidance, and in the absence of any comments challenging the adequacy of the air quality analysis, the following responses provide the reasoning and rationale for adopting the MND without the incorporation of the recommended mitigation measures.

Provided below is a restatement of the SCAQMD's comments followed by a detailed response. A copy of the SCAQMD comment letter is attached for your reference. Should you have any questions regarding these responses, please do not hesitate to contact me.

## **COMMENT 1**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

### **SCAQMD Staff's Summary of Project Description**

The Lead Agency proposes to demolish existing parking lot and construct a 658,021-square-foot building with 700 residential units and subterranean parking on 1.16 acres (Proposed Project). The Proposed Project will also include 86,976 square feet of open space. Construction is expected to take 30 months to complete<sup>1</sup>.

## **RESPONSE TO COMMENT 1**

This introductory comment identifies the SCAQMD as a commenting agency and provides a cursory overview restating their understanding of the Proposed Project. No response is warranted.

## **COMMENT 2**

### **SCAQMD Staff's Comments**

CEQA requires that all feasible mitigation measures go beyond what is required by law to minimize any significant adverse impacts. While the Proposed Project's NO<sub>x</sub> emissions during the grading and excavation phase were found to be at 99.06 pounds per day (lbs/day)<sup>2</sup>, which were slightly below SCAQMD air quality CEQA significant threshold for NO<sub>x</sub> at 100 lbs/day, the NO<sub>x</sub> emissions may still become a substantial impact over the 146-day grading period<sup>3</sup>. Therefore, SCAQMD staff recommends that the Lead Agency incorporate the following recommended mitigation measures in the Final MND. The recommended mitigation measures should be included in applicable bid documents or contract specification with contractors for the Proposed Project. Successful contractor(s) must demonstrate the ability to supply such equipment. In addition, the Lead Agency should require periodic reporting and provision of written documents by contractors to prove and ensure compliance.

## **RESPONSE TO COMMENT 2**

The SCAQMD's recommendation to mitigate impacts that have been found to be less than significant is not consistent with the CEQA statute. Contrary to the SCAQMD's assertion that CEQA requires mitigation measures beyond what is required by law, the authority for lead agencies to impose mitigation measures

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<sup>1</sup> MND. Page II-26.

<sup>2</sup> MND. Table III-1 Page III-8.

<sup>3</sup> MND. Appendix A, Air Quality Modeling Worksheets, Page 7 of 32.

Mr. Michael Sin, City Planning Associate  
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for impacts that have been determined to be significant is provided by statute. Specifically, Section 15041 of the State CEQA Guidelines provides that:

“A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid *significant effects* on the environment, consistent with applicable constitutional requirements such as the “nexus” and “rough proportionality” standards established by case law (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825, *Dolan v. City of Tigard*, (1994) 512 U.S. 374, *Ehrlich v. City of Culver City*, (1996) 12 Cal. 4th 854.)”

Additionally, CEQA Guidelines Section 15126.4 states that “mitigation measures are not required for effects which are not found to be significant.” The determination of significance is generally based on an adopted threshold of significance, if one applies to a specific environmental impact area. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. (CEQA Guidelines Section 15064.7). The MND’s analysis of air quality impacts for the Proposed Project was appropriately based on the SCAQMD’s adopted thresholds of significance for regional construction emissions, regional operational emissions, and localized construction air quality emissions. The Project’s air quality emissions were quantified using the CalEEMod modeling tool, which is recommended by the SCAQMD, and were found to be below the adopted thresholds for all five criteria pollutants analyzed during both construction and operation. While the SCAQMD claims that the Project’s construction NOx emissions may become a substantial impact over the 146-day grading period, this claim is not substantiated with any evidence or additional rationale. It should be noted that the assumptions and metrics applied to the CalEEMod model were based on very conservative assumptions in order to provide a worst-case scenario. For example, the construction timeline was based on an aggressive timeline that maximized the level of activity on a daily basis. Additionally, the number of pieces of equipment employed and operated concurrently during each phase of construction was increased beyond the CalEEMod’s default data for a project of similar size and scope. Thus, the claim that the emissions may be understated is incorrect.

### **COMMENT 3**

#### *Tier 4 Construction Equipment or Level 3 Diesel Particulate Filters*

To further reduce NOx emissions during the grading and excavation construction phase and minimize their impacts on nearby residents, SCAQMD staff recommends that the Lead Agency use off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least 85 percent reduction in in

particulate matter emissions<sup>4</sup>. A list of CARB verified DPFs are available on the CARB website<sup>5</sup>. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. In the event that construction equipment cannot meet the Tier 4 engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 3 emissions standards, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Proposed Project, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

### **RESPONSE TO COMMENT 3**

Tier 4 requirements went into effect in 2015, and the availability of Tier 4 equipment is limited in the commercial market. The California Air Resources Board (CARB) OFFROAD 2017 is an emissions model for heavy construction equipment used within California and includes heavy-duty equipment registration data within the State. At the start of Project construction, the OFFROAD 2017 model indicates that Tier 4 equipment may not be readily available.<sup>6</sup> As discussed above, emissions generated by the Project's construction activities would not exceed the SCAQMD significance threshold during any phase of construction. Given such low availability and the number of construction projects in the region ongoing and expected to be ongoing during Project construction, equipment meeting Tier 4 standards would be in high demand for project's that exceed the SCAQMD's thresholds of significance and may not be commercially available when needed for Project construction.

### **COMMENT 4**

#### *Diesel-Fueled Trucks with 2010 Model Year Engines*

To further reduce the impacts of NOx emissions during the grading and excavation construction phase, the Lead Agency should require the use of diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction. If the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible supported by substantial evidence in the record, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum.

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<sup>4</sup> California Air Resources Board. November 16-17, 2004. Diesel Off-Road Equipment Measure – Workshop. Page 17. Accessed at [https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04\\_workshop.pdf](https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf).

<sup>5</sup> *Ibid.* Page 18.

<sup>6</sup> CARB OFFROAD 2017- ORION database, [www.arb.ca.gov/orion](http://www.arb.ca.gov/orion), accessed May 2018.

#### **RESPONSE TO COMMENT 4**

- As discussed above, the use of 2010 model year engines is not warranted or required to reduce NOx emissions to below the thresholds of significance. Furthermore, the ability for the contractor to procure a hauling fleet that is entirely made up of 2010 model engines may not be feasible based on market availability. The CARB EMFAC2017 model indicates that trucks meeting 2010 engine standards are available in approximately 50 percent of the population statewide. Certain phases of Project construction, such as soil export activities, would require up to 100 hauls (200 truck trips) per day based on the export of 206,100 cubic yards of soil over an approximate 6-month period. Soil export activities typically rely on a mix of small independent contractors and a few companies with larger fleets. Thus, in addition to the fact that the SCAQMD-suggested measure is not warranted based on the Project's less than significant construction emissions, it may also be infeasible to implement based on market availability.

#### **COMMENT 5**

Closing

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide the SCAQMD with written responses to the comment contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov) if you have any questions.

#### **RESPONSE TO COMMENT 5**

The above responses to comments address the SCAQMD's request for written responses to their comments. This letter may be forwarded to the SCAQMD staff as a formal response letter and incorporated into the administrative record. While the comments are appreciated, the lead agency is limited in its ability to impose mitigation measures that are not justified by significant impacts based on the analysis presented in the MND or otherwise supported by substantial evidence in the record. In the absence of any supporting evidence to support the claim that significant NOx emissions are likely to occur as a result of the Project's construction activities, there is no nexus to justify the additional mitigation measures being requested by the SCAQMD staff. Even assuming for argument's sake that such a nexus existed, the suggested measures may not be feasible,

Mr. Michael Sin, City Planning Associate  
City of Los Angeles  
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and CEQA does not allow infeasible mitigation. Notwithstanding the responses above, it should be noted that the MND does not preclude the use of Tier 4 equipment and/or a haul fleet that consists of 2010 or newer model year engines and the applicant is encouraged to seek higher performance engines and equipment that would further reduce the project's less than significant impacts.

### **CONCLUSION**

Based on the above, the MND satisfies the legal requirements of CEQA and no further mitigation measures are warranted. Should you have any questions regarding any of the above remarks, please do not hesitate to contact me.

Sincerely,

### **PARKER ENVIRONMENTAL CONSULTANTS**

Shane E. Parker

A handwritten signature in blue ink that reads "Shane E. Parker". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

*Attachment: SCAQMD Comment Letter.*



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

May 2, 2018

[michael.sin@lacity.org](mailto:michael.sin@lacity.org)

[Darlene.Navarrete@lacity.org](mailto:Darlene.Navarrete@lacity.org)

Michael Sin, City Planner Associate  
City of Los Angeles – Department of City Planning  
200 N. Spring Street, Room 621  
Los Angeles, CA 90012

## **Mitigated Negative Declaration (MND) for the Proposed 1000-1034 S. Hill St. & 220-226 W. Olympic Blvd. (ENV-2016-4711)**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

### SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish existing parking lot and construct a 658,021-square-foot building with 700 residential units and subterranean parking on 1.16 acres (Proposed Project). The Proposed Project will also include 86,976 square feet of open space. Construction is expected to take 30 months to complete<sup>1</sup>.

### SCAQMD Staff's Comments

CEQA requires that all feasible mitigation measures go beyond what is required by law to minimize any significant adverse impacts. While the Proposed Project's NO<sub>x</sub> emissions during the grading and excavation phase were found to be at 99.06 pounds per day (lbs/day)<sup>2</sup>, which were slightly below SCAQMD air quality CEQA significant threshold for NO<sub>x</sub> at 100 lbs/day, the NO<sub>x</sub> emissions may still become a substantial impact over the 146-day grading period<sup>3</sup>. Therefore, SCAQMD staff recommends that the Lead Agency incorporate the following recommended mitigation measures in the Final MND. The recommended mitigation measures should be included in applicable bid documents or contract specification with contractors for the Proposed Project. Successful contractor(s) must demonstrate the ability to supply such equipment. In addition, the Lead Agency should require periodic reporting and provision of written documents by contractors to prove and ensure compliance.

### *Tier 4 Construction Equipment or Level 3 Diesel Particulate Filters*

To further reduce NO<sub>x</sub> emissions during the grading and excavation construction phase and minimize their impacts on nearby residents, SCAQMD staff recommends that the Lead Agency use off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least 85

<sup>1</sup> MND. Page II-26.

<sup>2</sup> MND. Table III-1. Page III-8.

<sup>3</sup> MND. Appendix A, *Air Quality Modeling Worksheets*. Page 7 of 32.

percent reduction in in particulate matter emissions<sup>4</sup>. A list of CARB verified DPFs are available on the CARB website<sup>5</sup>. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. In the event that construction equipment cannot meet the Tier 4 engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 3 emissions standards, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Proposed Project, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

#### *Diesel-Fueled Trucks with 2010 Model Year Engines*

To further reduce the impacts of NOx emissions during the grading and excavation construction phase, the Lead Agency should require the use of diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction. If the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible supported by substantial evidence in the record, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum.

#### Closing

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide the SCAQMD with written responses to the comment contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov) if you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA-IGR

Planning, Rule Development & Area Sources

LS

LAC180412-05  
Control Number

<sup>4</sup> California Air Resources Board. November 16-17, 2004. *Diesel Off-Road Equipment Measure – Workshop*. Page 17. Accessed at: [https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04\\_workshop.pdf](https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf).

<sup>5</sup> *Ibid*. Page 18.



October 2, 2018

[via email: [michael.sin@lacity.org](mailto:michael.sin@lacity.org)]

Mr. Michael Sin, City Planning Associate  
**City of Los Angeles**  
**Department of City Planning**  
200 N. Spring Street, Room 621  
Los Angeles CA 90012

**Re: Response to Comments and Appeal Letters on the Olympic and Hill Project (VTT 74760)**

Dear Michael,

On behalf of Onni Group, Inc., (the "Project Applicant"), Parker Environmental Consultants has reviewed the comment letters submitted after the close of the public comment period for Mitigated Negative Declaration ENV-2016-4710-MND (MND) and two appeals submitted in response to the adoption of the MND and approval of VTT 74760 on September 6, 2018 for a 60-story mixed-use building with 700 dwelling units and 15,000 square feet of ground floor commercial/retail space (Proposed Project or Project). For your reference, the comment letters and appeal letters addressed herein are identified as follows:

- Private Brand Merchandising Corp, 214 W. Olympic Blvd., Los Angeles CA 90015, August 7, 2018.
- Strategic Actions for a Just Economy (SAJE), August 7, 2018.
- Gideon Kracov, on behalf of UNITE HERE Local 11, August 8, 2018.
- Appeal No. 1. Laborer's Union of North America, Local 300, September 17, 2018
- Appeal No. 2. Charles Carnow and Antonio Mendoza, UNITE HERE Local 11, September 17, 2018.

As presented in further detail below, the comments and appeals do not identify any new significant impacts or present any substantial evidence to support a fair argument that significant impacts are likely to occur as a result of the Proposed Project. The MND included an expanded environmental analysis supported by expert technical analyses, including detailed air quality modeling, GHG emissions modeling and analysis, a traffic study, a noise impact analysis, and a historic resources assessment, all of which support the finding that the Proposed Project's environmental impacts would be less than significant. Mitigation Measures were recommended and adopted by the lead agency to address the Proposed Project's potentially significant impacts associated with biological resources, hazardous materials, noise, public services, and construction traffic. As concluded in the MND, with mitigation, the Proposed Project's environmental impacts would be less than significant. The assertions that these issues were not addressed, and/or were improperly addressed are inaccurate and unsubstantiated by the late comment letters and the appeals.

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Pursuant to P.R.C. Section 21082.2 (b), “[t]he existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment.” Section 21082.2(c) also provides that “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” As discussed in greater detail below, the issues raised in the comment letters and appeals do not provide substantial evidence to support a fair argument that a significant environmental impact is likely to occur.

Provided below is a restatement of the main arguments comments and appeals, followed by detailed responses. A copy of the comment letters and appeals are attached for your reference. Based on a thorough review of these comments and the responses provided herein, the MND satisfies the legal requirements of CEQA and no further analysis is warranted. Should you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,

**PARKER ENVIRONMENTAL CONSULTANTS**

Shane E. Parker



*Attachments: Comment Letter No. 1: Private Brand Merchandising Corp. August 7, 2018  
Comment Letter No. 2: Strategic Actions for a Just Economy (SAJE), August 7, 2018.  
Comment Letter No. 3: Gideon Kracov, on behalf of UNITE HERE Local 11, August 8, 2018  
Appeal Letter No. 1: Laborer’s Union of North America, Local 300, September 17, 2018  
Appeal Letter No. 2: Charles Carnow and Antonio Mendoza, UNITE HERE Local 11, September 17, 2018*

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### **COMMENT LETTER No. 1**

Private Brand Merchandising Corp.  
214 W. Olympic Boulevard  
Los Angeles CA 90015  
August 7, 2018

PROJECT NOTES – 1000 S. Hill St. – Case VTT-74760 / CPC-2016-4710-TDR-MCUP-SPR

#### **COMMENT 1.1**

1) The alley (Blackstone Ct.) MUST be kept clear during business hours to accommodate shipping. Our truck drivers won't wait while we make phone calls to the ONNI office to try to clear the alley. Additionally, our products have cancellation dates that cannot be missed because the alley was blocked. Our customers do not accept that excuse. Moving freight from our door to the street is not workable because the alley has deteriorated so much from the heavy cement trucks being used by ONNI to renovate the building at 1031 S Broadway, that pushing handcarts around obstacles is not a viable solution.

#### **RESPONSE 1.1**

When feasible, access to the alley will remain clear throughout the duration of the project's construction schedule. Mitigation Measure T-1 requires the applicant to submit a construction traffic control plan to the LADOT prior to the start of any construction work. Additionally, Mitigation Measure T-3 specifies that the Construction Management Plan shall ensure that access will remain unobstructed for land uses in proximity to the project site during construction.

#### **COMMENT 1.2**

2) Portable acoustic barriers MUST be erected on the alley side WHILE MAINTAINING CLEARANCE FOR DELIVERY TRUCKS.

#### **RESPONSE 1.2**

Mitigation Measure N-4 requires that the Applicant erect a temporary construction barrier around the perimeter of the Project Site. As noted above, Mitigation Measure T-3 specifies that that access shall remain unobstructed for land uses in proximity to the project site during construction. Thus, the temporary noise barrier will be installed around the perimeter of the site in a manner that does not obstruct access to the alley.

### **COMMENT 1.3**

3) All of the noise studies cited, list test distances of 50 feet, 80-100 feet, etc. Table 111-13 shows 86 dBA at 50 feet for excavation and grading. Our building is 15 feet away. The noise from the pile drivers will exceed 92-96 dBA inside our building. The Mayan is built from poured concrete. ONNI estimates reduction in inside noise. Our building was built in the 1920's from bricks. We are going to have UNACCEPTABLE noise levels inside our creative space. This will have a negative impact on our office. How will we be compensated for our loss of productivity?

### **RESPONSE 1.3**

No impact pile driving is proposed. The proposed building foundation would be installed using drilled in place caissons instead of impact pile driving. As such, the noise and vibration impacts upon adjacent buildings would be greatly reduced. The commenter's building at 214 W. Olympic Blvd. is a commercial business and is not a sensitive receptor. As noted by the commenter, this building is constructed with bricks. Common brick buildings have a sound transmission class (STC) rating of 50-59, which is effective in providing an exterior to interior noise reduction of 20 dBA. Coupled with the minimum 5 dBA attenuation provided by the temporary noise barrier, the highest exterior construction noise levels of 86 dBA Leq, would be reduced to approximately 66 dBA Leq interior to the 214 W. Olympic Boulevard Building. For reference, the average noise level of a male and female voice speaking in raised conversational voices is approximately 65 dBA Leq and 62 dBA Leq, respectively. Thus, the temporary and intermittent noise impacts created by construction activities would not be incompatible with typical businesses operations.

### **COMMENT 1.4**

4) The Vibration studies in tables III-15 and III-16 typically show source levels for various types of equipment at 25 feet. Table III-17 acknowledges our building is at 15 feet. The analysis recommends mitigation measures listed at N-7. My question is: Who monitors the equipment used? How do we, as the adjacent landowner, know if the excavation equipment is the least impactful? Do we have to complain all the time to the commission? Who is working on our behalf?

### **RESPONSE 1.4**

The vibration monitoring will be conducted by the project's engineering contractor. As noted in Condition 13 of the Vesting Tract Map approval letter, the Applicant will be required to prepare and execute a Covenant and Agreement in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items. The Department of City Planning is the enforcement agency ensuring the Mitigation Monitoring Program is implemented in accordance with CEQA.

It appears that the commenter believes that Mitigation Measure No. 7 applies to his building. However, Mitigation Measure N-7 applies only to the Mayan Theater, where construction vibration has the potential to exceed the building damage threshold. As set forth in Table III-17, the maximum construction vibration levels at 214-216 W. Olympic would be 0.156 PPV in/sec, which is below the building damage threshold of 0.2 PPV in/sec for non-engineered timber and masonry buildings. Therefore, construction vibration impacts at the commenter's building would be less than significant, and no mitigation is warranted.

#### **COMMENT 1.5**

5) The structural engineer cited in N-7 should be hired by us and paid for by ONNI. That eliminates a conflict of interest. We will insist on transparency in this project as it regards our property.

#### **RESPONSE 1.5**

With respect to the structural engineer responsible for implementing the vibration monitoring program required by Mitigation Measure N-7, the Applicant will be responsible for the selection and hiring of this contractor. Transparency will be provided through the monitoring efforts and periodic status reports on the implementation of mitigation items pursuant to Condition 13 of the Vesting Tract Map approval letter. However, as set forth in Response to Comment 1.4, Mitigation Measure N-7 applies only to the Mayan Theater. Construction vibration impacts at the commenter's building would be less than significant, and no mitigation is warranted.

#### **COMMENT 1.6**

With regard to dust mitigation, we have concerns. Rule 403 of the SCAQMD requires only that wetting be done twice daily and temporary dust covers be used to reduce dust. They claim "wetting could reduce fugitive dust by as much as 50 percent." This also means 90 percent of dust could fly into the air.

We make and ship white temple gowns used by the Church of Latter Day Saints (Mormons) for religious ceremonies, and they CANNOT USE dusty gowns. We are worried about less than effective dust mitigation measures. Mr. Spector at ONNI suggested we speak with a neighbor of their project at 12<sup>th</sup> and Flower. We did so, and were told that in their printing press operation, they had constant problems with excavation dust in the machines, which is bad enough, but also had bricks fall into their parking area from the demo, and chips falling and hitting their employees during the construction phase. Our property is only 15 feet away! What can we expect?

#### **RESPONSE 1.6**

With regard to SCAQMD Rule 403, the commenter's assertion that 90% of the dust would fly into the air is incorrect. A 50% reduction of dust and particulate matter would leave 50% of the total amount of dust free in the air; most of which would settle on-site. Rule 403 requires the implementation of Best Available

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Control Measures to reduce fugitive dust emission. As shown in Table III-3, on page III-13 of the MND, the Project's highest localized PM<sub>10</sub> and PM<sub>2.5</sub> emissions would be 4.00 lbs/day and 2.62 lbs/day, respectively, each of which is below the applicable localized thresholds of significance. Moreover, the construction activities would be subject to SCAQMD Rule 402, which provides:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

With compliance with regulatory requirements, impacts with respect to fugitive dust emissions during construction would be less than significant.

## **COMMENT LETTER No. 2**

Strategic Actions for a Just Economy (SAJE)  
152 W. 32<sup>nd</sup> Street  
Los Angeles, CA 90007  
August 7, 2018.

Re: Comments for the Olympic/Hill Project (1000-34 S. Hill St., 220-26 W. Olympic Blvd.); Project Approvals (VTT-74760, CPC-2016-4710, ENV-2016-4711); Via Email

### **COMMENT 2.1**

Dear Mr. Sin,

On behalf of Strategic Actions for a Just Economy, we are urging the City to withhold all project approvals, including approval of the vesting tentative tract map for Onni's Olympic/Hill project until the project's residential nature is clarified and the applicant provides community benefits such as affordable housing.

We have been concerned that short term rentals are exacerbating the housing crisis for a long time. Last year, we urged the City to investigate short-term rentals at 888 S. Olive St and found that Onni had a track-record of converting residential projects into erstwhile hotels after being approved, with no analysis of the impacts hotel use might have. At 888 S. Olive St, Onni received an entitlement for a residential condo project, but shortly after operation commenced obtained a certificate of occupancy for a Transient Occupancy Residential Structure.

In order to ensure this does not occur at the Olympic/Hill property we urge the City to require all leases at the new building be no less than a year as a condition of approval. We also ask that the city require that all

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leases be given to individuals rather than corporations and include as a lease condition that tenants do not sublet their apartments for less than 30 days.

#### **RESPONSE 2.1**

The Proposed Project is a mixed-use project with multi-family residential dwelling units and neighborhood serving commercial land uses. Short-term rentals or transient occupancy units are not proposed as part of the Proposed Project. As the comment does not raise any issue regarding the adequacy of the MND, no further response is warranted.

#### **COMMENT 2.2**

Additionally, we urge the applicant to provide substantial community benefits in exchange for density provided by the transfer of floor area rights. Public benefits should include public serving additions such as open-space, parks, and affordable housing near the Project Site, as intended by the TFAR Ordinance.

Thank you very much for the opportunity to comment; please include this in any prospective letter of determination regarding the project.

Yours truly,  
Cynthia Strathmann

#### **RESPONSE 2.2**

The Proposed Project includes a request for a transfer of floor area, which necessitates providing community benefits in accordance with the LAMC. In accordance with the procedures set for the in LAMC Section 14.5.6B, the Applicant is proposing a community benefits package that will be reviewed and, if acceptable, approved by the City decision-makers. The community benefits package is not a CEQA issue, and thus no further response is warranted.

#### **COMMENT LETTER No. 3.**

Gideon Kracov, Attorney at Law  
On behalf of Unite Here Local 11, Charlie Carnow and Antonio Mendoza  
801 South Grand Avenue, 11<sup>th</sup> Floor  
Los Angeles, CA 90017  
August 8, 2018

Re: Comments for the Olympic/Hill Project (1000-34 S. Hill St., 220-26 W. Olympic Blvd.);  
Project Approvals (VTT-74760, CPC-2016-4710, ENV-2016-4711);

### **COMMENT 3.1**

Dear Mr. Sin:

On behalf of UNITE HERE Local 11 (“Local 11”), Charlie Carnow, and Antonio Mendoza (collectively “Commentors”), this Office provides the City of Los Angeles (“City”) and its Department of City Planning (“DCP”) the following comments regarding the referenced Olympic & Hill mixed-use development (“Project”), located on a 1.16 acre, one-half city-block (“Site”), proposed by Onni Capital, LLC (“Onni” or “Applicant”), including the Project’s mitigated negative declaration (“MND”).<sup>1</sup> Commentors are concerned with the Project’s compliance with the California Environmental Quality Act, Pub. Res. Code § 21000 et seq., (“CEQA”) and the Los Angeles Municipal Code (“LAMC” or “Code”).

In short, Onni has a track record of converting residential projects into hotel-like uses after being approved, with impacts associated with the hotel uses going unanalyzed. This amounts to improper project piecemealing under CEQA. Additionally, this pattern and practice runs against the City’s Code-required land use findings, which predominately(sic) highlight the urgent need to bring more residential housing opportunities (sic) to Los Angeles. Here, the Project includes zero-affordable housing units and seeks approval of a transfer-of-floor-area-rights (“TFAR”) to allow the maximum 13:1 floor-area-ratio (“FAR”) allowed under the City’s General Plan. Given this Project is entirely discretionary, DCP should ensure that if a multi-family residential project is approved, that Onni actually builds and operates an actual residential project. Furthermore, the analysis contained in the MND contains serious flaws affecting aesthetic/historic(sic) greenhouse gas (“GHG”) emission, and traffic impacts—requiring additional analysis, mitigation, and enforceable conditions of approval.

For these reasons, Commentors respectfully request that the City withhold(sic) all project approvals, including approval of the vesting tentative tract approval, until the MND is revised and re-circulated for public comment.

### **RESPONSE 3.1**

This comment introduces the commenter and speculates that the Applicant will convert the Project into a hotel-like use. However, the Applicant is seeking approval of a mixed-use project with 700 dwelling units and has no current intention to seek to operate the Project as a hotel-like use. Therefore, the commenter’s assertion regarding the potential for piecemealing is speculative and does not provide evidence of a potential environmental impact. Moreover, the Applicant will voluntarily agree to the following condition of Project approval:

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<sup>1</sup> *Inclusive of the Initial Study (“IS”) and all appendices (“APP-##”). Because appendices may include several documents not sequentially numbered consistently throughout the PDF document, all page citations are to the PDF page locations within the appendix and referenced herein as (“PDF p. ##”).*

The use and development of the 700 multi-family units shall not be permitted as a Transient Occupancy Residential Structure (TORS). To enable the TORS use, the Applicant is required to request a new Site Plan Review approval.

With respect to the commenter's assertions regarding the adequacy of the aesthetic/historic, greenhouse gas emissions, and traffic impact analyses, see responses 3.2 through 3.6 below.

## COMMENT 3.2

### I. SPECIFIC POINTS AT ISSUE

#### A. ONNI'S RECORD OF IMPROPER CONVERSION OF RESIDENTIAL PROJECTS

Onni has an established history of proposing a project during the entitlement stage, and subsequently building out and operating an entirely different project later. For example, between 2008-2013, Applicant entitled a 300+ unit condominium at 888 S. Olive Street,<sup>2</sup> but shortly after construction advertised the project for short-term rentals and converted the building into a Transient Occupancy Residential Structure ("TORS") via a certificate of occupancy ("CoO") issued by the City's Department of Building and Safety ("DBS").<sup>3</sup> This was done in clear contradiction of the prior project approvals, the Code, and is now the subject of a current DCP appeal (DIR-2018-3042-BSA) attached hereto. Similarly, in May 2017, the City of Vancouver fined Onni \$24,000 for illegal short-term rentals at its Level property after it refused to comply with two city-warnings to stop the practice.<sup>4</sup> Again in 2017, in Richmond, Ontario, Onni received approvals to construct six low-rise apartment buildings above a commercial space zoned for maritime use but left the buildings vacant, and later sought a zone change to allow a hotel, retail and office space.<sup>5</sup> According to Richmond Councilor Carol Day, "[w]e're having the same problem other cities are having which is Onni says one thing during the development process and then does another thing years later."

Given Onni's track record, Commentors request that the DCP impose enforceable conditions of approval that restricts the Site from being advertised/rented as short-term rental, hotel, TORS, or other hotel-like uses after receiving its CoO. Similar restrictions have been incorporated into other project approvals by the City which run with the land.<sup>6</sup> Additionally, the condition of approval should prevent Onni from offering

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<sup>2</sup> DCP Case Nos. ENV-2008-2573-MND, DIR-2008-2600-SPR-EXT3, VTT-70371-CN-EXT2, ENV-2008-2573-MND-RECI, ZA-2013-1013-MCUP-ZV-SPR-EXT, VTT-70371-CN-MI.

<sup>3</sup> DBS Permit No. 17016-1000-04294 issued 06/14/17.

<sup>4</sup> See <http://www.cbc.ca/news/canada/british-columbia/it-is-illegal-city-tells-developer-to-stop-short-term-rentals-1.4048098>.

<sup>5</sup> <http://www.cbc.ca/news/canada/british-columbia/steveston-rezoning-2017-1.4358332>.

<sup>6</sup> Letter of Determination (4/5/18) CPC-2015-4611-GPA-VZC-HD-DB-MCUP-WDI-SPR, p. Q1 ("The use and development of the 231 multi-family units shall not be permitted to operate as a Transit Occupancy Residential Structure (TORS). To enable the TORS apartment/hotel hybrid use, the applicant is required to request a Conditional Use Permit."), <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/>

any lease for less than one year, nor allow tenants to sublet or assign their units or any portion thereof for less than 30 days. Furthermore, the Project should also be leased only to actual individuals and families, rather than corporations or other business entities to ensure this housing remains for long-term residents—not tourists or short-term corporate visitors.<sup>7</sup>

This is particularly appropriate given the MND’s impact determinations rely heavily on the Project’s infill-residential nature, specifically providing multi-family residential units in a transit-rich and pedestrian-oriented area. See e.g., MND pp. III: 5-6 (air quality impacts); III:42-49 (GHG impacts); III:67-82 (land use impacts).

In addition to ensure compliance with CEQA, this condition is necessary to make sure Onni does not skirt its compliance with the City’s Affordable Housing Linkage Fee requirements, which applies to non-residential uses “including hotels.”<sup>8</sup> Here, the Project provides only market-rate units with zero affordable housing. MND, pp. III-47, 67, 71-74. It is imperative that if Onni seeks to convert this Site into a hotel-like use, via a backdoor CoO permit issued by DBS, the Applicant must be subject to and pay all linkage fees. Additionally, the Project provides primarily private open-space to its tenants, with limited opportunities for the public, which is underserved by parks. MND, Fig. III:2, pp. III:122-123. Because the Project is requesting TFAR and subject to public benefit provisions under the Code, all public benefits should prioritize open-space, parks, and affordable housing opportunities near the Project Site, as the TFAR Ordinance was intended to serve.<sup>9</sup>

### RESPONSE 3.2

As noted in the approval letter, Vesting Tentative Tract No. 74760 (VTT) permits the merger and resubdivision of seven lots into one lot for residential and commercial condominium purposes, for a maximum of 700 residential units and 15,000 square feet of commercial space, as shown on map stamp-

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[ZDMxY2FjMWQrYzA4OC00NzRjLWJmYWVtZWlyYzk2NTcxNDI30](#); Letter of Determination (2/27/98) ZA-97-0945-CUZ-ZAI, p. 3 (restriction on conversions “shall run with the land and shall be binding on any subsequent owners, heirs or assigns.”)

<sup>7</sup> See City of Santa Monica (8/9/18) Rent Control Board Memo, p. 2 (discussing potential steps for the City of Santa Monica to address “a new threat to the rental housing supply ... as an increasing number of landlords have begun to rent to corporate entities who use rent-controlled units for other than the provision of long-term, permanent housing, or themselves rent units to short-term visitors ... Although these practices effect less of a wholesale loss of units than does the demolition of an entire apartment building, the loss is nonetheless real.”), [https://www.smgov.net/uploadedFiles/Departments/Rent\\_Control/About\\_the\\_Rent\\_Control\\_Board/Staff\\_Reports/2018/Item%2012A%20Corporate%20Housing.pdf](https://www.smgov.net/uploadedFiles/Departments/Rent_Control/About_the_Rent_Control_Board/Staff_Reports/2018/Item%2012A%20Corporate%20Housing.pdf). staff report for an example of how a nearby jurisdiction is handling proliferation of corporate housing. <  
[https://www.smgov.net/uploadedFiles/Departments/Rent\\_Control/About\\_the\\_Rent\\_Control\\_Board/Staff\\_Reports/2018/Item%2012A%20Corporate%20Housing.pdf](https://www.smgov.net/uploadedFiles/Departments/Rent_Control/About_the_Rent_Control_Board/Staff_Reports/2018/Item%2012A%20Corporate%20Housing.pdf)>

<sup>8</sup> See DCP Memo (7/16/18) Affordable Housing Linkage Fee Ordinance and Updated Fee Schedule, p. 4, <https://planning.lacity.org/ordinances/docs/ahlf/ImplementationMemo.pdf>.

<sup>9</sup> <https://www.planningreport.com/2007/04/19/city-la-approves-tfar-ordinance-let-high-rises-rise>.

dated December 15, 2017, in the Central City Community Plan. Hotel use are neither proposed nor approved. Pursuant to CEQA Guidelines Section 15162 (c), “[o]nce a project has been approved, the lead agency’s role in project approval is completed, *unless further discretionary approval on that project is required*. [emphasis added]” As noted, the Applicant will voluntarily agree to a condition of Project approval that would require new Site Plan Review approval should the Applicant or a future owner propose a TORs use for the Project. Because such an approval is a discretionary action, the City as the lead agency would need to assess whether and what type additional analysis is warranted under CEQA. Moreover, the City would determine at that time whether any such change of use would trigger payment of the Affordable Housing Linkage Fee.

The commenter references the Applicant’s project at 888 Olive Street. Applicant sought and obtained the necessary permit from the City to allow some of the units to be rented on a short-term basis. The Board of Building & Safety Commissioners rejected the commenters hotel union clients’ appeal of the permit and upheld the Applicant’s short term rental use.

### **COMMENT 3.3**

#### **B. AESTHETIC/SHADOW/HISTORIC IMPACTS**

Notwithstanding Senate Bill 743, CEQA and the City Code require aesthetics/shadow impacts to be disclosed to serve CEQA’s informed public decision-making purpose, especially when said impacts could have impacts on historic resources. Here, the MND’s cursory discussion of aesthetic impacts (MND, pp. III:1-2) fails to include any meaningful discussion of potential aesthetic/shadow impacts caused by a new 60-story, 760-foot tall building on the Site, which is surrounded primarily by low to mid-rise structures reaching no higher than 12 stories (in one instance). MND, pp. II:7-11; MND, APP-B, PDF p. 10. Immediately adjacent to the Project Site are two historic resources, the Mayan Theater and the Western Pacific Building, which are clearly visible from the Hill/Olympic intersection. MND, pp. III:20-22; MND, APP-B, PDF p. 11 (Fig. 2). As depicted in the MND, the Project will substantially dwarf and obscure these resources. MND, Figs. II:13; MND, APP-B, PDF p. 19 (Fig. 8).

Under the City’s CEQA Threshold Guide (“LA CEQA Guidelines”),<sup>10</sup> a project’s historic impact is significant if it would result in a substantial adverse change in the significance of an historical resources, such as not conforming to the Secretary of the Interior’s Standards and Guidelines (“SoI Guidelines”),<sup>11</sup> reducing the integrity or significance of important resources on the site or vicinity, being incompatible in mass and scale, or indirectly reducing the viability of a district or group of historic resources. See LA CEQA Guidelines, pp. D.3:3-5. This is echoed in the SoI Guidelines, which recognize that new construction “in extreme contrast” to historic buildings is not compatible and, rather, “should be appropriately scaled and

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<sup>10</sup> <http://planning.lacity.org/Documents/MajorProjects/CEQAThresholdsGuide.pdf>.

<sup>11</sup> <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>.

located far enough away from the historic building to maintain its character and that of the site and setting.” SoI Guidelines, p. 26. For example, the Project exemplifies features that are specifically not recommended by the SoI Guidelines, such as: “locating parking areas directly adjacent to historic buildings where vehicles may cause damage to buildings or landscape features” (id. at p. 142); “introducing new construction on the building site which is visually incompatible in terms of size, scale, design, material, or color” (id.); new construction “in a manner that obscures, damages, or destroys character-defining features of the historic building ... [c]onstructing a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character)[.]” (id. at 156); “[p]lacing new construction too close to the historic building so that it negatively impacts the building’s character, the site, or setting ... [a]dding new construction that results in the diminution or loss of the historic character of the building, including its design, materials, location, or setting ... [c]onstructing a new building on a historic property or on an adjacent site that is much larger than the historic building[.]” (id. at 161-162).

### **RESPONSE 3.3**

As discussed in further detail on page III-1 of the MND, Senate Bill 743 (SB 743) provides that “aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” (See P.R.C. Section 21099). The Proposed Project is a mixed-use infill development with 700 residential units and 15,000 square feet of retail/restaurant uses and is located within a transit priority area. The Project Site is also designated by ZIMAS as being subject to ZI 2452, Transit Priority Areas (TPAs) / Exemptions to Aesthetics and Parking within TPAs Pursuant to CEQA.

With respect to historic resources, the MND’s finding that the Proposed Project would result in a less than significant impact upon historic resources is substantiated by the expert opinion and technical analysis provided in the Olympic + Hill Development Historical Resource Technical Report, prepared by GPA Consulting, dated May 2017. The Historical Resource Technical Report was summarized on pages III-19 through III-26 of the MND and was incorporated in its entirety as Appendix B to the MND. The Historic Resources Technical Report specifically addressed potential Proposed Project impacts to the Mayan Theater and Western Pacific Building and found:

The Mayan Theater and Western Pacific Building would not be affected by the Project, due to the physical and visual separation between these historical resources and the new building. Although the new building would introduce a new visual element to the vicinity of the Mayan Theater and Western Pacific Building, they would continue to be eligible for listing as historical resources as defined by CEQA. No mitigation measures are required or recommended.

The commenter provides no evidence to the contrary.

## COMMENT 3.4

### C. GHG IMPACTS

Here, the MND fails to demonstrate that the Project has a less than significant GHG impacts. The MND references three general thresholds offered by the CEQA Guidelines (14 Cal. Code Regs.) including whether the Project (1) increases GHG emissions above baseline conditions, (2) exceeds (sic) a threshold of significance that applies to the project, or (3) complies with regulatory requirements adopted to reduce GHG emissions. (MND, p. III:38). Here, all three significance thresholds are triggered.

First, the MND demonstrates that the Project will generate 8,204.63 metric tons of CO<sub>2</sub> equivalents per year (“MTCO<sub>2</sub>e/yr”), which is above the assumed baseline of zero. (MND, p. III:39-40).

Second, while noting South Coast Air Quality Management District (“SCAQMD”)’s interim CEQA significance thresholds of 3,000 MTCO<sub>2</sub>e/yr, the MND fails to compare the Project’s against this threshold despite the City’s consistent use of this threshold for similar projects,<sup>12</sup> some of which using the same environmental prepares used here (Parker Environmental Consultants).<sup>13</sup> Here, the Project’s 8,204.63 MTCO<sub>2</sub>e/yr is more than double SCAQMD’s 3,000 MTCO<sub>2</sub>e/yr threshold.

Nor does the MND mention SCAQMD’s proposed project-level efficiency target of 4.8 and 3.0 MTCO<sub>2</sub>e/yr per service population (“MTCO<sub>2</sub>e/yr/sp”) as a 2020 and 2035 GHG reduction target (respectively),<sup>14</sup> which has also been used by the City.<sup>15</sup> Per SCAQMD guidance, because the Project’s GHG emissions exceed the SCAQMD’s 3,000 MT CO<sub>2</sub>e/yr screening-level threshold, the Project’s emissions should be compared to the proposed 2020 and 2035 efficiency targets. Here, given the Project’s service population is 1,248 (1176 residents and 72 employees) (MDN(sic), pp. III:111-112), the Project will have a GHG efficiency of 6.57 MTCO<sub>2</sub>e/yr/sp,<sup>16</sup> which exceeds both 2020 and 2035 targets. This also

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<sup>12</sup> See e.g., 400 S. Alameda (May 2017) ENV-2016-3656-MND, p. IV:40-41, [https://planning.lacity.org/staffrpt/mnd/Pub\\_052517/ENV-2016-3656.pdf](https://planning.lacity.org/staffrpt/mnd/Pub_052517/ENV-2016-3656.pdf); 1400 Cahuenga (Apr. 2016) ENV-2015-3167-MND, p. 3:61, [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_040716/ENV-2015-3167.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_040716/ENV-2015-3167.pdf) and ENV-2015-3167-MND-REC 1 (Nov. 2017), p. 2:46; 6516 W. Selma Avenue (Dec. 2016) ENV-2016-4313-MND, p. IV:38, [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_122216/ENV-2016-4313.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_122216/ENV-2016-4313.pdf); 433 S. Main St. (Aug. 2017) ENV-2016-3817-MND, p. 34-35, [https://planning.lacity.org/staffrpt/mnd/Pub\\_070617/ENV-2016-3817.pdf](https://planning.lacity.org/staffrpt/mnd/Pub_070617/ENV-2016-3817.pdf).

<sup>13</sup> See e.g., 2130 E. Violet St. (Sep. 2016) ENV-2016-1707-MND, p. III:34-35 [Table III-8, note b], [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_092916/ENV-2016-1707.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_092916/ENV-2016-1707.pdf); 959 S. Broadway (Jan. 2016) ENV-2014-2948, p. 34-35, <http://cityplanning.lacity.org/staffrpt/mnd/ENV-2014-2948.pdf>.

<sup>14</sup> See SCAQMD Working Group Meeting 15 Minutes, available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2)

<sup>15</sup> See e.g., 631 S. Spring Street (Jan. 2017) ENV-2015-2356-EIR, pp. IV.E:23-24, 28-30 <https://planning.lacity.org/eir/SpringStHotel/DEIR/DEIR%20Sections/Spring%20St%20Hotel%20IV.E%20Greenhouse%20Gas%20Emissions.pdf>; 6516 W. Selma Avenue, *supra* fn 12, p. IV:38-39;

<sup>16</sup> Calculated: (8,204.63 MTCO<sub>2</sub>e/yr) divided by (1,248 service population) equals 6.5742 MTCO<sub>2</sub>e/yr/sp.

exceeds the community-wide efficiency targets of 6.0 MTCO<sub>2</sub>e per capita by 2030 and no more than 2.0 MTCO<sub>2</sub>e per capita by 2050 proposed by the California Air Resources Board (“CARB”) in its 2017 Scoping Plan—a goal that “expands upon the reduction of 15 percent ... previously recommended in the 2008 Scoping Plan.”<sup>17</sup> The MND fails to model or provide any such efficiency target, and for the most part its entire GHG analysis is speculative fluff with little modeling.

Third, the MND cherry-picks the Project’s consistency with various plans such as CARB’s AB 32 Scoping Plan, SCAG’s 2016-2040 RTP/SCS, and the City’s Green Building Code. MND, pp. III:40-49. However, none of these plans qualify as a Climate Action Plan (“CAP”) adopted pursuant to an adequate CEQA review with the specific intent of reducing a lead agency’s fair-share contribution to the State’s GHG emissions. As made clear by the California Supreme Court, just because a “project is designed to meet high building efficiency and conservation standards, for example, does not establish that its [GHG] emissions from transportation activities lack significant impacts.” *Center for Biological Diversity v. Department of Fish & Wildlife (“Newhall Ranch”)* (2015) 62 Cal.4th 204, 229. This concept is known as “additionality” whereby GHG emission reductions otherwise required by law or regulation are appropriately considered part of the baseline and, pursuant to CEQA Guideline § 15064.4(b)(1), a new project’s emission should be compared against that existing baseline.<sup>18</sup> Hence, a “project should not subsidize or take credit for emissions reductions which would have occurred regardless of the project.”<sup>19</sup> In short, as observed by the Court, newer developments must be more GHG-efficient. See *Newhall Ranch*, 62 Cal.4th at 226. Therefore, the MND’s reliance on these non-CAP plans is a red-herring designed to make the Project’s direct and cumulative GHG impacts appear to be insignificant. MND, pp. III: 40-49, 50.

Additionally, the MND claims that the Project would achieve a nine percent reduction in GHG emissions as compared to a project without GHG reduction measures. MND, p. III:39. Although the MND claims that this comparison is “not a quantitative threshold of significance” (*id.*), it serves as a red-herring to make the Project appear to be GHG insignificant. This type of analysis is apples-to-apples to the Business as Usual (“BAU”) analysis expressly rejected by the California Supreme Court. *Newhall Ranch*, 62 Cal.4th at 227

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<sup>17</sup> CARB (Nov. 2017) 2017 Scoping Plan, pp. 99-100,

[https://www.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf).

<sup>18</sup> See *Final Statement of Reasons for Regulatory Action: Amendments to State CEQA Guidelines Addressing Analysis and Mitigation of GHG Emissions Pursuant to SB-97 (“Final Statement of Reasons”)* (Dec. 2009), pp. 23, 89 (while a Platinum LEED® rating may be relevant to emissions from a building’s energy use, “that performance standard may not reveal sufficient information to evaluate transportation-related emissions associated with that proposed project”), [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf); see also *California Air Pollution Control Officers Association (“CAPCOA”)* (Aug. 2010) *Quantifying Greenhouse Gas Mitigation Measures*, pp. 32, A3 (“in order for a project or measure that reduces emissions to count as mitigation of impacts, the reductions have to be ‘additional.’ Greenhouse gas emission reductions that are otherwise required by law or regulation would appropriately be considered part of the existing baseline. Thus, any resulting emission reduction cannot be construed as appropriate (or additional) for purposes of mitigation under CEQA.”), <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

<sup>19</sup> CAPCOA, *supra* fn. 18, p. A-3.

(“[t]he analytical gap left by the EIR’s failure to establish, through substantial evidence and reasoned explanation, a quantitative equivalence between the Scoping Plan’s statewide comparison and the EIR’s own project-level comparison deprived the EIR of its ‘sufficiency as an informative document.’ [citation].”). Similarly, the MND’s analysis leaves an analytical gap showing how the Project’s compliance with regulatory requirements is relevant to determine whether the Project’s GHG emissions are insignificant. As discussed above, these requirements were not part of a qualified CAP and therefore a qualitative comparison to these regulatory requirements is irrelevant to the question of whether the Project has a significant GHG impact.

Fourth, the MND relies on speculative mitigation measures. The claimed nine percent reduction in GHG emissions (discussed above) stems from project design features and mitigation measures (“MM”) such as “implementing an operational recycling program during the life of the Project” and a 15 percent reduction in daily trips from a traffic demand management (“TDM”) Program. MND, pp. III:39-40; MND, APP-H, PDF p. 51. However, the MND fails to describe the components of the recycling program or demonstrate how it will be enforced. Similarly, the exact components of the TDM program is not certain and yet to be determined by the Department of Transportation (“DOT”). IS, pp. 22-23 (MM T-1); MND, APP-H, PDF pp. 3-4. Nor is the TDM Monitoring Program sufficiently described (IS, pp. 22-24 [MM T-2]), such as what frequencies the TDM Program shall be reviewed, how disputes between DOT and the Applicant shall be resolved, or what penalties shall be available to ensure actual enforcement of the TDM Program. At minimum, the City should commit the Project to concrete, meaningful mitigation measures, such as

- Free transit passes for all residential tenants and employees of the Project, including those in the 15,000 SF ground floor retail/commercial space;
- Provide rideshare matching services;
- Funds for the Metro Bikeshare program; and
- A more thorough TDM Monitoring Program with vigorous oversight and penalties with actual teeth.

#### **RESPONSE 3.4**

The Greenhouse Gas Emissions analysis presented in the MND was prepared in accordance with Appendix G of the CEQA Guidelines, the CEQA Thresholds Guide, and all applicable case law providing guidance on the acceptable methodologies for calculating greenhouse gas emissions and determining the significance of GHG emissions relative to compliance with applicable plans and policies adopted for the purposes of reducing GHG emissions.

As noted on page III-37 of the MND, the SCAQMD released draft guidance regarding interim CEQA GHG significance thresholds in October 2008. The SCAQMD staff’s proposed emission reduction target threshold of 3,000 metric tons of CO<sub>2</sub>e per year was presented to the SCAQMD Governing Board, but was never formally adopted. Moreover, the SCAQMD’s Significance Threshold Stakeholder Working Group proposed and considered GHG Significance Thresholds in September 2010, but never came to a consensus

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on an adopted threshold or methodology. This group has not meet since 2009. Furthermore, SCAQMD has not adopted the efficiency methodology cited by the commenter. To date, the SCAQMD has yet to formally adopt a GHG significance threshold for land use development projects such as the Proposed Project. As such, this background information was presented in the MND for informational proposes but was not used or proposed as a threshold of significance. As noted in the recent Supreme Court rulings on GHG analysis, the lead agency has wide discretion in selecting an appropriate threshold for determining the significance of GHG emissions. The commenter's assertion that the MND is inadequate because it does not rely on one of the draft but never adopted numeric thresholds considered by the SCAQMD is incorrect and inconsistent with case law.

In the *Center for Biological Diversity v. Department of Fish and Wildlife* (62 Cal.4th 204) (the Newhall Land Case), the Supreme Court noted a range of options are available for lead agencies to assess the significance of GHG emissions. The Court suggested regulatory consistency as one pathway to compliance, by stating that a lead agency might assess consistency with AB 32's goal in whole or in part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities. The Court stated that a lead agency might assess consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce GHG from particular activities, including statewide programs and local climate action plans or GHG emissions reduction plans. This approach is consistent with CEQA Guidelines Section 15064, which provides that a determination that an impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, including plans or regulations for the reduction of GHG emissions.

Per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that would avoid or substantially lessen the cumulative problem within the geographic area of the project. To qualify, such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plans [and] plans or regulations for the reduction of greenhouse gas emissions." CEQA Guidelines Section 15064(h)(3). Put another way, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of less than significant for GHG emissions if a project complies with adopted programs, plans, policies and/or other regulatory strategies to reduce GHG emissions.

In the absence of any adopted numeric threshold, the MND analyzed the significance of the Project's GHG emissions consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. As noted on page III-

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38 of the MND, it was determined that a significant impact would occur if the Proposed Project is not substantially consistent with the applicable policies and/or regulations outlined in the following regulatory programs designed to reduce GHG emissions from development projects: Scoping Plan; SB 375; SCAG's 2016 RTP/CSC; and the Los Angeles Green Building Code. As set forth in the MND, the Proposed Project is consistent with the applicable policies of each of these programs. The commenter provides no evidence to the contrary.

The commenter's assertion that the MND presents an apples-to-apples comparison mirroring the Business as Usual ("BAU") analysis expressly rejected by the California Supreme Court is incorrect and unsubstantiated. In the Newhall Land Case, the EIR used a BAU approach to determine whether the project would impede the state's compliance with statutory emissions reduction mandate established by the AB 32 Climate Change Scoping Plan. The Court did not invalidate the BAU approach entirely but did hold that "the Scoping Plan nowhere related that statewide level of reduction effort to the percentage of reduction that would or should be required from individual projects and nothing DFW or Newhall have cited in the administrative record indicates the required percentage reduction from business as usual is the same for an individual project as for the entire state population and economy." *Center for Biological Diversity v. California Department of Fish and Wildlife* (62 Cal.4th 204), page 20. Contrary to the approach in the Newhall Land Case the MND expressly stated that the comparison approach was presented to illustrate the effectiveness of the Proposed Project's compliance the applicable programs designed to reduce GHG emissions. No quantitative numeric target was identified for purposes of setting a threshold of significance, nor does CEQA required such a target.

The commenter's claim that the project's TDM program is speculative and undefined is erroneous. As noted in Mitigation Measure T-1, the TDM program is required prior to the issuance of the first certificate of occupancy for the Proposed Project. The recommended TDM components are described in detail in Mitigation Measure T-1 (see MND at page 22 of 26 of the MND Checklist) and the Inter-Departmental Correspondence from the City of Los Angeles Department of Transportation to the City of Los Angeles Department of City Planning dated July 12, 2017 (DOT Case No. CEN 17-45630) provided in Appendix H to the MND. The TDM program provides objective and verifiable performance criteria (i.e., a 15 percent reduction in peak hour trips). This type of performance-based mitigation has long been recognized as valid under CEQA and effective.

The commenter's assertion that the MND fails to describe the components of the recycling program or demonstrate how it will be enforced is also incorrect. As noted on page III-72 of the MND, solid waste diversion during construction would be accomplished through the on-site separation of materials and/or by contracting with a solid waste disposal facility that can guarantee a minimum diversion rate of 70 percent. Pursuant to Section 66.32 of the LAMC, the Project's solid waste contractor must obtain, in addition to all other required permits, an AB 939 Compliance Permit from the Bureau of Sanitation. With respect to operation al solid waste, the Project would provide adequate storage areas in accordance with the City of

Los Angeles Space Allocation Ordinance (Ordinance No. 171,687), which requires that development projects include an onsite recycling area or room of specified size. Compliance with the LAMC requirements for on-site trash collection and recycling areas would be verified through the building permit process.

### **COMMENT 3.5**

#### **D. TRAFFIC IMPACTS**

Here, the MND analyzed traffic impacts assuming high-rise residential uses (ITE use code 222 and 232), which generates 4.20 daily trips with a 0.34/0.38 AM/PM Peak Hour rate (respectively). MND, Table III:32; MND, APP-H, PDF p. 33, 54, 73. As compared to a hotel use (ITE use code 310), like the Spring Street Hotel project listed in the MND as related project 81 (MND, p. II:34), a hotel generates 8.17 daily trips with a 0.53/0.61 AM/PM Peak Hour rate (respectively).<sup>20</sup> This is a significant increase in traffic generation with potential impacts going unanalyzed if the Project is not sufficiently conditioned to prevent the Site from being converted to a hotel use without additional CEQA review. Additionally, the only TDM strategy proposed by the Applicant is the unbundling of parking costs. MND, APP-H, PDF p. 190. As discussed above, the MND claims a 15 percent reduction in vehicle-miles-traveled (“VMT”) by incorporating this mitigation measures, which reflects measure PDT-2 proposed by the CAPCOA intended to reduce a project’s GHG emissions from mobile sources. MND, III:149, 182; MND, APP-H, PDF p. 190-193.<sup>21</sup> According to CAPCOA, this strategy while applicable to residential projects, is not applicable to hotel projects.<sup>22</sup>

This further supports the need for an explicit restriction barring the Site’s future use as a hotel or TORs without additional CEQA review.

### **RESPONSE 3.5**

The commenter incorrectly speculates that the Proposed Project will be at some point in the future converted to hotel use. See Response to Comments 3.1 and 3.2 above. The commenter’s comparison of the residential trip generation rates to those of a hotel project are irrelevant to the MND and Proposed Project, as the Proposed Project does not include, nor does the Vesting Tentative Tract Map allow, any hotel uses. The trip rates used in the traffic analysis, which were reviewed and approved by LADOT, are therefore

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<sup>20</sup> 633 S. Spring St. (Jan. 2017) ENV-2015-2356-EIR, Table IV.J:5, <https://planning.lacity.org/eir/SpringStHotel/Deir/DEIR%20Sections/Spring%20St%20Hotel%20IV.J%20Transportation.pdf>.

<sup>21</sup> See also CAPCOA, *supra* fn. 18, pp. 210-212.

<sup>22</sup> *Ibid* at p. 210.

appropriate. In the event any hotel uses are proposed in the future, the City would process a new discretionary action and evaluate the proper level of CEQA review at that time.

### **COMMENT 3.6**

## **II. CONCLUSION**

Commentors appreciate the opportunity to provide these comments. Again, Commentors respectfully request that the City withhold all project approvals until the MND cures the flaws discussed above and recirculated for public review. Additionally, Commentors request that all feasible mitigation measures and conditions be incorporated into any future Project approval, including but not limited to:

- Conditions of approval that prevent Onni or its successor-in-interest from (a) advertising or renting the Project as a short-term rental, hotel, TORS, or other hotel-like use; (b) offering leases for less than one year or allowing tenants to sublet/assign their units for less than 30 days; or (c) leasing units to corporate/business entities—all of which ensure this Project provides actual housing for long-term residents;
- Conditions that ensures any subsequent conversion to hotel-like use would be subject to a new CEQA review and subject to the City’s Affordable Housing Linkage Fee;
- Prioritizing all public benefit/TFAR payments to open-space, parks, and affordable housing opportunities for the public near the Project Site;
- Free transit passes for all residential tenants and employees of the Project;
- Provide rideshare matching services;
- Funds for the Metro Bikeshare program; and
- A more detailed TDM Monitoring Program with adequate oversight and penalties.

Commentors reserve the right to supplement these comments at future hearings and proceedings for this Project. See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Finally, on behalf of Appellants, this Office requests, to the extent not already on the notice list, all notices of CEQA actions, Appeal hearing and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. See Pub. Res. Code §§ 21080.4, 21083.9, 21092, 21092.2, 21108, 21167(f) and Gov. Code § 65092. Please send notice by electronic and regular mail to: Gideon Kracov, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, [gk@gideonlaw.net](mailto:gk@gideonlaw.net) (cc: [jordan@gideonlaw.net](mailto:jordan@gideonlaw.net)).

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Sincerely,  
Gideon Kracov  
Attorney for Appellants

### **RESPONSE 3.6**

As this comment does not raise any issue regarding the MND, no response is necessary. This comment is noted for the record and will be forwarded to the decision-makers for their consideration.

### **APPEAL No. 1**

Laborer's Union of North America, Local 300  
2005 W. Pico Blvd.  
Los Angeles CA 90006  
September 17, 2018

### **COMMENT A.1-1**

Justification/Reason for Appeal  
Olympic and Hill Project  
Vesting Tentative Tract Map No. VTT-74760  
1000 S. Hill Street (1000-1034 S. Hill Street, 220-226 W. Olympic Boulevard) (Project Site)

**REASON FOR THE APPEAL:** The Mitigated Negative Declaration (MND) prepared for the Olympic and Hill Project (CEQA No. ENV-2016-4711-MND) ("Project") fails to comply with the California Environmental Quality Act (CEQA).

**SPECIFICALLY THE POINTS IN ISSUE:** The MND fails to adequately analyze environmental impacts of the Project, fails to adequately describe the environmental setting of the Project, and fails to propose all feasible mitigation measures and alternatives to reduce Project impacts. Specifically, the MND found potentially significant impacts in the following categories: biological resources, hazards and hazardous materials, noise, public services, transportation and traffic, and tribal cultural resources. It also found potentially significant impacts for one of the mandatory findings of significance required by CEQA. Appellant also believes the Project will have significant air quality impacts as well as greenhouse gas impacts. These potentially significant impacts must be analyzed in an EIR.

**HOW YOU ARE AGGREIVED BY THE DECISION:** Members of appellants Laborers International Union of North America (LIUNA) Local 300 live in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated. Construction workers, such as the members of LIUNA Local 300, will be directly affected by

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soil contamination, improperly controlled construction equipment, and other risks during Project construction.

**WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION:** The Advisory Agency approved the MND, the Mitigation Monitoring Program, and the Vesting Tentative Tract No. 74760 for the Project despite the fact that the MND fails to comply with CEQA.

#### **RESPONSE A.1-1**

The comment contains vague assertions that the MND fails to adequately analyze environmental impacts of the Project, fails to adequately describe the environmental setting of the Project, and fails to propose all feasible mitigation measures and alternatives to reduce Project impacts is unsubstantiated and inconsistent with the record of evidence contained in the adopted MND. While the MND did find potentially significant impacts in the categories of biological resources, hazards and hazardous materials, noise, public services, transportation and traffic, and tribal cultural resources, mitigation measures for each of these impact areas were imposed to mitigate each such impact to a less than significant level. The commenter does not cite any specific purported errors or inaccuracies in the MND or provide any evidence that the Project would result in a significant impact after mitigation. Nor does the commenter propose any mitigation measures that would address their purported concerns for the environment. As such, no further response is warranted.

#### **APPEAL No. 2**

UNITE HERE! Local 11  
464 Lucas Ave., Suite 201  
Los Angeles, CA 90017  
September 17, 2018

Re: Appeal Justification for Hill/Olympic Project (1000-1034. S. Hill, 220-226 W. Olympic Blvd)  
VTT-74760; ENV-2016-4711-MND

#### **COMMENT A.2-1**

Dear City Planning Commissioners,

UNITE HERE Local 11; Antonio Mendoza and Charles Carnow (collectively “Appellants”), hereby respectfully appeal (the “Appeal”) the Advisory Agency’s approval of the above-referenced residential development (“Project”) proposed by Onni Capital LLC (“Applicant”), located at 1000 S. Hill St (“Site”). Under the Los Angeles Municipal Code (“LAMC” or “Code”) and the California Environmental Quality Act CEQA”), Pub. Res. Code §21000 et seq., this Appeal challenges both the Project’s Vesting Tentative Tract Approval (“Entitlement”) and its Mitigated Negative Declaration (“MND”) (collectively “Project

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Approvals”). According to the Letter of Determination dated September 6<sup>th</sup>, 2018, the last day to file an appeal is September 17<sup>th</sup>, 2018.

**REASON FOR THE APPEAL:** The Project’s MND fails to comply with CEQA. In particular, the MND fails to adequately analyze the environmental impacts of the Project and fails to propose all feasible mitigation measures to reduce Project impacts. A number of these concerns were raised by Appellants in their August 7, 2018 comment letter (attached hereto as Exhibit A). Additionally, the discretionary entitlements are not by right, and the required findings cannot be made.

#### **RESPONSE A.2-1**

This comment refers to and incorporates their prior comment letter dated August 7, 2018 (sic) as Exhibit A to their appeal. It should be noted that the reference to the August 7, 2018 comment letter refers to an Exhibit that contains a letter from Gideon Kracov, representing UNITE HERE, dated August 8, 2018. The Kracov letter is addressed above under Comment Letter No.3 (see responses to comments 3.1 through 3.6). No further response is necessary or warranted.

#### **COMMENT A.2-2**

**SPECIFIC POINTS IN ISSUE:** The specific points at issue were fully outlined in the comment letters submitted, including the August 7, 2018(sic) letter submitted by Appellants. These issues include insufficiently analyzed and mitigated impacts on greenhouse gases and associated traffic impacts, aesthetic/shadow impacts, impacts on access to historic resources, and possible CEQA piecemealing issues. Additionally, as raised by other commenters during the Advisory Agency’s hearing, there is insufficient mitigation of potential noise impacts, particularly during construction, and insufficient mitigation of traffic impacts that could impair alley access to adjacent small businesses.

As stated in the August 7, 2018 comment letter, Onni has an established history of proposing a project during the entitlement stage, and subsequently building out and operating an entirely different project later. The justifications for this Project and the analysis of its environmental impacts rely on it being a residential project. Appropriate conditions should be put in place to ensure it remains so. This is particularly necessary because Onni has claimed, with respect to its 888 S. Olive St project, a project similarly entitled for residential uses prior to conversion to transient-occupancy resident structures, that short term rentals are permitted by right (see Exhibit B, p. 2) in significant swathes of Downtown Los Angeles, including areas with zoning essentially identical to that of 1000 S. Hill St.<sup>23</sup> Onni further suggested that the lack of a condition of approval limiting lease term for leases at 888 S. Olive St(sic) project meant that short-term

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<sup>23</sup> *Ordinance No. 164307 established Q conditions that among other provisions, permit hotels, motels, and apartment hotels uses by right in significant parts of Downtown LA. 1000 S. Hill St and 888 S. Olive St are subject to identical Q conditions.*

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rentals and other transient uses were allowed at the site. In order to ensure the Olympic 1 Hill St(sic) project remains residential, the City should add the following as conditions of approval to the project:

- A condition, running with the land, that bans its conversion to Transient-Occupancy Residential Occupancy Structure, hotel, or motel use. Significant precedent exists for this. As shown in Exhibit C, several extended stay hotels have included conditions banning future conversion of the sites to residential uses. The City imposed this requirement to ensure these extended-stay hotels would fulfill their function of expanding the supply of hotel rooms to business tourists who require a longer stay. Here too, the City seeks to approve a residential project during a housing crisis. This condition will help ensure that the Project fulfills the original purpose of its approval.
- Require leases to be offered for terms of no less than one year. Additionally, a condition should ban any subletting of Project units for less than 30 days. As shown in Exhibit D, other projects have included lease term limitations. This condition would apply if Onni opts to rent out dwelling units in the project, rather than utilizing the approvals granted to sell the units as condos.

HOW ARE YOU AGGRIEVED BY THE DECISION: Appellants and UNITE HERE members live and/or work in the vicinity of the Project Site, breathe the air, suffer traffic congestions, and will suffer from other environmental impacts of the Project unless they are properly analyzed and mitigated. Additionally, Appellants are committed to responsible development in Los Angeles and informed decision-making by public officials regarding projects that may cause significant impacts to the environment. Hence, granting this Appeal will confer substantial benefit not only to Appellants but also the public, including citizens, residents, businesses and taxpayers affected by the Project, and will result in the enforcement of important public rights.

HOW DID THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION: The Advisory Agency approved the Project Approvals even though there is substantial evidence demonstrating that the MND fails to comply with CEQA.

Appellants respectfully reserve the right to supplement this appeal justification at future hearings and proceedings for this Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Sincerely, Charlie Carnow, Research Analyst  
UNITE HERE Local 11

## **RESPONSE A.2-2**

See Comment Letter No.3, responses to comments 3.1 through 3.6, above.

# Private Brand Merchandising, Corp

214 W. Olympic Blvd.

Los Angeles, CA 90015

August 7, 2018

PROJECT NOTES - 1000 S. Hill St. – Case VTT-74760 / CPC-2016-4710-TDR-MCUP-SPR

- 1) The alley (Blackstone Ct.) MUST be kept clear during business hours to accommodate shipping. Our truck drivers won't wait while we make phone calls to the ONNI office to try to clear the alley. Additionally, our products have cancellation dates that cannot be missed because the alley was blocked. Our customers do not accept that excuse. Moving freight from our door to the street is not workable because the alley has deteriorated so much from the heavy cement trucks being used by ONNI to renovate the building at 1031 S Broadway, that pushing handcarts around obstacles is not a viable solution. 1.1
- 2) Portable acoustic barriers MUST be erected on the alley side WHILE MAINTAINING CLEARANCE FOR DELIVERY TRUCKS. 1.2
- 3) All of the noise studies cited, list test distances of 50 feet, 80-100 feet, etc. Table III-13 shows 86 dBA at 50 feet for excavation and grading. Our building is 15 feet away. The noise from the pile drivers will exceed 92-96 dBA inside our building. The Mayan is built from poured concrete. ONNI estimates a 20dBA reduction in inside noise. Our building was built in the 1920's from bricks. We are going to have UNACCEPTABLE noise levels inside our creative space. This will have a negative impact on our office. How will we be compensated for our loss of productivity? 1.3
- 4) The Vibration studies in tables III-15 and III-16 typically show source levels for various types of equipment at 25 feet. Table III-17 acknowledges our building is at 15 feet. The analysis recommends mitigation measures listed at N-7. My question is: Who monitors the equipment used? How do we, as the adjacent landowner, know if the excavation equipment is the least impactful? Do we have to complain all the time to the commission? Who is working on our behalf? 1.4
- 5) The structural engineer cited in N-7 should be hired by us and paid for by ONNI. That eliminates a conflict of interest. We will insist on transparency in this project as it regards our property. 1.5
- 6) With regard to dust mitigation, we have concerns. Rule 403 of the SCAQMD requires only that wetting be done twice daily and temporary dust covers be used to reduce dust. They claim "wetting could reduce fugitive dust by as much as 50 percent." This also means 90 percent of dust could fly into the air. 1.6  
We make and ship white temple gowns used by the Church of Latter Day Saints (Mormons) for religious ceremonies, and they CANNOT USE dusty gowns.  
We are worried about less than effective dust mitigation measures. Mr. Spector at ONNI suggested we speak with a neighbor of their project at 12<sup>th</sup> and Flower. We did so, and were told that in their printing press operation, they had constant problems with excavation dust in the machines, which is bad enough, but also had bricks fall into their parking area from the demo, and chips falling and hitting their employees during the construction phase. Our property is only 15 feet away! What can we expect?



152 W. 32<sup>nd</sup> Street, Los Angeles CA 90007

August 7, 2018

**Re: Comments for the Olympic/Hill Project (1000-34 S. Hill St., 220-26 W. Olympic Blvd.); Project Approvals (VTT-74760, CPC-2016-4710, ENV-2016-4711);**  
Via Email

Dear Mr. Sin,

On behalf of Strategic Actions for a Just Economy, we are urging the City to withhold all project approvals, including approval of the vesting tentative tract map for Onni’s Olympic/Hill project until the project’s residential nature is clarified and the applicant provides community benefits such as affordable housing.

We have been concerned that short term rentals are exacerbating the housing crisis for a long time. Last year, we urged the City to investigate short-term rentals at 888 S. Olive St and found that Onni had a track-record of converting residential projects into erstwhile hotels after being approved, with no analysis of the impacts hotel use might have. At 888 S. Olive St, Onni received an entitlement for a residential condo project, but shortly after operation commenced obtained a certificate of occupancy for a Transient Occupancy Residential Structure.

1.1

In order to ensure this does not occur at the Olympic/Hill property we urge the City to require all leases at the new building be no less than a year as a condition of approval. We also ask that the city require that all leases be given to individuals rather than corporations and include as a lease condition that tenants do not sublet their apartments for less than 30 days.

Additionally, we urge the applicant to provide substantial community benefits in exchange for density provided by the transfer of floor area rights. Public benefits should include public serving additions such as open-space, parks, and affordable housing near the Project Site, as intended by the TFAR Ordinance.

1.2

Thank you very much for the opportunity to comment; please include this in any prospective letter of determination regarding the project.

Yours truly,

Cynthia Strathmann

## GIDEON KRACOV

Attorney at Law

801 South Grand Avenue  
11th Floor  
Los Angeles, California 90017

(213) 629-2071  
Fax: (213) 623-7755

gk@gideonlaw.net  
www.gideonlaw.net

August 8, 2018

**VIA HAND DELIVERY & EMAIL:**

Michael Sin, City Planning Associate  
Los Angeles City Hall, Room 1070  
200 N. Spring St.  
Los Angeles, CA 90012  
[michael.sin@lacity.org](mailto:michael.sin@lacity.org)

**Re: Comments for the Olympic/Hill Project (1000-34 S. Hill St., 220-26 W. Olympic Blvd.);  
Project Approvals (VTT-74760, CPC-2016-4710, ENV-2016-4711);**

Dear Mr. Sin:

On behalf of UNITE HERE Local 11 ("Local 11"), Charlie Carnow, and Antonio Mendoza (collectively "Commentors"), this Office provides the City of Los Angeles ("City") and its Department of City Planning ("DCP") the following comments regarding the referenced Olympic & Hill mixed-use development ("Project"), located on a 1.16 acre, one-half city-block ("Site"), proposed by Onni Capital, LLC ("Onni" or "Applicant"), including the Project's mitigated negative declaration ("MND").<sup>1</sup> Commentors are concerned with the Project's compliance with the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.*, ("CEQA") and the Los Angeles Municipal Code ("LAMC" or "Code").

In short, Onni has a track record of converting residential projects into hotel-like uses after being approved, with impacts associated with the hotel uses going unanalyzed. This amounts to improper project piecemealing under CEQA. Additionally, this pattern and practice runs against the City's Code-required land use findings, which predominately highlight the urgent need to bring more residential housing opportunities to Los Angeles. Here, the Project includes zero-affordable housing units and seeks approval of a transfer-of-floor-area-rights ("TFAR") to allow the maximum 13:1 floor-area-ratio ("FAR") allowed under the City's General Plan. ***Given this Project is entirely discretionary, DCP should ensure that if a mutli-family residential project is approved, that Onni actually builds and operates an actual residential project.*** Furthermore, the analysis contained in the MND contains serious flaws affecting aesthetic/historic, greenhouse gas ("GHG") emission, and traffic impacts—requiring additional analysis, mitigation, and enforceable conditions of approval.

***For these reasons, Commentors respectfully request that the City withhold all project approvals, including approval of the vesting tentative tract approval, until the MND is revised and re-circulated for public comment.***

<sup>1</sup> Inclusive of the Initial Study ("IS") and all appendices ("APP-##"). Because appendices may include several documents not sequentially numbered consistently throughout the PDF document, all page citations are to the PDF page locations within the appendix and referenced herein as ("PDF p. ##").

## I. SPECIFIC POINTS AT ISSUE

### A. ONNI'S RECORD OF IMPROPER CONVERSION OF RESIDENTIAL PROJECTS

Onni has an established history of proposing a project during the entitlement stage, and subsequently building out and operating an entirely different project later. For example, between 2008-2013, Applicant entitled a 300+ unit condominium at 888 S. Olive Street,<sup>2</sup> but shortly after construction advertised the project for short-term rentals and converted the building into a Transient Occupancy Residential Structure (“TORS”) via a certificate of occupancy (“CoO”) issued by the City’s Department of Building and Safety (“DBS”).<sup>3</sup> This was done in clear contradiction of the prior project approvals, the Code, and is now the subject of a current DCP appeal (DIR-2018-3042-BSA) attached hereto. Similarly, in May 2017, the City of Vancouver fined Onni \$24,000 for illegal short-term rentals at its Level property after it refused to comply with two city-warnings to stop the practice.<sup>4</sup> Again in 2017, in Richmond, Ontario, Onni received approvals to construct six low-rise apartment buildings above a commercial space zoned for maritime use but left the buildings vacant, and later sought a zone change to allow a hotel, retail and office space.<sup>5</sup> According to Richmond Councilor Carol Day, “[w]e’re having the same problem other cities are having which is Onni says one thing during the development process and then does another thing years later.”

3.2

Given Onni’s track record, Commentors request that the DCP impose enforceable conditions of approval that restricts the Site from being advertised/rented as short-term rental, hotel, TORS, or other hotel-like uses after receiving its CoO. Similar restrictions have been incorporated into other project approvals by the City which run with the land.<sup>6</sup> Additionally, the condition of approval should prevent Onni from offering any lease for less than one year, nor allow tenants to sublet or assign their units or any portion thereof for less than 30 days. Furthermore, the Project should also be leased only to actual individuals and families, rather than corporations or other business entities to ensure this housing remains for long-term residents—not tourists or short-term corporate visitors.<sup>7</sup>

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<sup>2</sup> DCP Case Nos. ENV-2008-2573-MND, DIR-2008-2600-SPR-EXT3, VTT-70371-CN-EXT2, ENV-2008-2573-MND-REC1, ZA-2013-1013-MCUP-ZV-SPR-EXT, VTT-70371-CN-M1.

<sup>3</sup> DBS Permit No. 17016-1000-04294 issued 06/14/17.

<sup>4</sup> See <http://www.cbc.ca/news/canada/british-columbia/it-is-illegal-city-tells-developer-to-stop-short-term-rentals-1.4048098>.

<sup>5</sup> <http://www.cbc.ca/news/canada/british-columbia/steveston-rezoning-2017-1.4358332>.

<sup>6</sup> Letter of Determination (4/5/18) CPC-2015-4611-GPA-VZC-HD-DB-MCUP-WDI-SPR, p. Q1 (“The use and development of the 231 multi-family units shall not be permitted to operate as a Transit Occupancy Residential Structure (TORS). To enable the TORS apartment/hotel hybrid use, the applicant is required to request a Conditional Use Permit.”), <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZDMxY2FjMWQ0tYzA4OC00NzRjLWJmYWVlZmYyZk2NTcxNDI30>; Letter of Determination (2/27/98) ZA-97-0945-CUZ-ZAI, p. 3 (restriction on conversions “shall run with the land and shall be binding on any subsequent owners, heirs or assigns.”)

<sup>7</sup> See City of Santa Monica (8/9/18) Rent Control Board Memo, p. 2 (discussing potential steps for the City of Santa Monica to address “a new threat to the rental housing supply ... as an increasing number of landlords have begun to rent to corporate entities who use rent-controlled units for other than the provision of long-term, permanent housing, or themselves rent units to short-term visitors ... Although these practices effect less of a wholesale loss of units than does the demolition of an entire apartment building, the loss is nonetheless real.”), [https://www.smgov.net/uploadedFiles/Departments/Rent\\_Control/About\\_the\\_Rent\\_Control\\_Board/Staff\\_Reports/2018/Item%2012A%20Corporate%20Housing.pdf](https://www.smgov.net/uploadedFiles/Departments/Rent_Control/About_the_Rent_Control_Board/Staff_Reports/2018/Item%2012A%20Corporate%20Housing.pdf).

This is particularly appropriate given the MND's impact determinations rely heavily on the Project's infill-residential nature, specifically providing multi-family residential units in a transit-rich and pedestrian-oriented area. See e.g., MND pp. III: 5-6 (air quality impacts); III:42-49 (GHG impacts); III:67-82 (land use impacts).

In addition to ensure compliance with CEQA, this condition is necessary to make sure Onni does not skirt its compliance with the City's Affordable Housing Linkage Fee requirements, which applies to non-residential uses "including hotels."<sup>8</sup> Here, the Project provides only market-rate units with zero affordable housing. MND, pp. III-47, 67, 71-74. ***It is imperative that if Onni seeks to convert this Site into a hotel-like use, via a backdoor CoO permit issued by DBS, the Applicant must be subject to and pay all linkage fees.*** Additionally, the Project provides primarily private open-space to its tenants, with limited opportunities for the public, which is underserved by parks. MND, Fig. III:2, pp. III:122-123. Because the Project is requesting TFAR and subject to public benefit provisions under the Code, all public benefits should prioritize open-space, parks, and affordable housing opportunities near the Project Site, as the TFAR Ordinance was intended to serve.<sup>9</sup>

3.2

## B. AESTHETIC/SHADOW/HISTORIC IMPACTS

Notwithstanding Senate Bill 743, CEQA and the City Code require aesthetics/shadow impacts to be disclosed to serve CEQA's informed public decision-making purpose, especially when said impacts could have impacts on historic resources. Here, the MND's cursory discussion of aesthetic impacts (MND, pp. III:1-2) fails to include any meaningful discussion of potential aesthetic/shadow impacts caused by a new 60-story, 760-foot tall building on the Site, which is surrounded primarily by low to mid-rise structures reaching no higher than 12 stories (in one instance). MND, pp. II:7-11; MND, APP-B, PDF p. 10. Immediately adjacent to the Project Site are two historic resources, the Mayan Theater and the Western Pacific Building, which are clearly visible from the Hill/Olympic intersection. MND, pp. III:20-22; MND, APP-B, PDF p. 11 (Fig. 2). As depicted in the MND, the Project will substantially dwarf and obscure these resources. MND, Figs. II:13; MND, APP-B, PDF p. 19 (Fig. 8).

Under the City's CEQA Threshold Guide ("LA CEQA Guidelines"),<sup>10</sup> a project's historic impact is significant if it would result in a substantial adverse change in the significance of an historical resources, such as not conforming to the Secretary of the Interior's Standards and Guidelines ("SoI Guidelines"),<sup>11</sup> reducing the integrity or significance of important resources on the site or vicinity, being incompatible in mass and scale, or indirectly reducing the viability of a district or group of historic resources. See LA CEQA Guidelines, pp. D.3:3-5. This is echoed in the SoI Guidelines, which recognize that new construction "in extreme contrast" to historic buildings is not compatible and, rather, "should be appropriately scaled and located far enough away from the historic building to maintain its character and that of the site and setting." SoI Guidelines, p. 26. For example, the Project exemplifies features that are specifically not recommended by the SoI Guidelines, such as: "locating parking areas directly adjacent to historic buildings where vehicles may cause damage to buildings or landscape features" (*id.* at p. 142); "introducing new construction on the building site which is visually incompatible in terms of size, scale, design, material, or color" (*id.*); new construction "in a

3.3

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staff report for an example of how a nearby jurisdiction is handling proliferation of corporate housing. <  
[https://www.smgov.net/uploadedFiles/Departments/Rent\\_Control/About\\_the\\_Rent\\_Control\\_Board/Staff\\_Reports/2018/Item%2012A%20Corporate%20Housing.pdf](https://www.smgov.net/uploadedFiles/Departments/Rent_Control/About_the_Rent_Control_Board/Staff_Reports/2018/Item%2012A%20Corporate%20Housing.pdf)>

<sup>8</sup> See DCP Memo (7/16/18) Affordable Housing Linkage Fee Ordinance and Updated Fee Schedule, p. 4, <https://planning.lacity.org/ordinances/docs/ahlf/ImplementationMemo.pdf>.

<sup>9</sup> <https://www.planningreport.com/2007/04/19/city-la-approves-tfar-ordinance-let-high-rises-rise>.

<sup>10</sup> <http://planning.lacity.org/Documents/MajorProjects/CEQAThresholdsGuide.pdf>.

<sup>11</sup> <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>.

manner that obscures, damages, or destroys character-defining features of the historic building ... [c]onstructing a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character)[]" (*id.* at 156); "[p]lacing new construction too close to the historic building so that it negatively impacts the building's character, the site, or setting ... [a]dding new construction that results in the diminution or loss of the historic character of the building, including its design, materials, location, or setting ... [c]onstructing a new building on a historic property or on an adjacent site that is much larger than the historic building[]" (*id.* at 161-162).

3.3

### C. GHG IMPACTS

Here, the MND fails to demonstrate that the Project has a less than significant GHG impacts. The MND references three general thresholds offered by the CEQA Guidelines (14 Cal. Code Regs.) including whether the Project (1) increases GHG emissions above baseline conditions, (2) exceeds a threshold of significance that applies to the project, or (3) complies with regulatory requirements adopted to reduce GHG emissions. (MND, p. III:38). Here, all three significance thresholds are triggered.

First, the MND demonstrates that the Project will generate 8,204.63 metric tons of CO<sub>2</sub> equivalents per year ("MTCO<sub>2</sub>e/yr"), which is above the assumed baseline of zero. (MND, p. III:39-40).

Second, while noting South Coast Air Quality Management District ("SCAQMD")'s interim CEQA significance thresholds of 3,000 MTCO<sub>2</sub>e/yr, the MND fails to compare the Project's against this threshold despite the City's consistent use of this threshold for similar projects,<sup>12</sup> some of which using the same environmental prepares used here (Parker Environmental Consultants).<sup>13</sup> Here, the Project's 8,204.63 MTCO<sub>2</sub>e/yr is more than double SCAQMD's 3,000 MTCO<sub>2</sub>e/yr threshold.

3.4

Nor does the MND mention SCAQMD's proposed project-level efficiency target of 4.8 and 3.0 MTCO<sub>2</sub>e/yr per service population ("MTCO<sub>2</sub>e/yr/sp") as a 2020 and 2035 GHG reduction target (respectively),<sup>14</sup> which has also been used by the City.<sup>15</sup> Per SCAQMD guidance, because the Project's GHG emissions exceed the SCAQMD's 3,000 MT CO<sub>2</sub>e/yr screening-level threshold, the Project's emissions should be compared to the proposed 2020 and 2035 efficiency targets. Here, given the Project's service population is 1,248 (1176 residents and 72 employees) (MDN, pp. III:111-112), the Project will have a GHG efficiency of 6.57 MTCO<sub>2</sub>e/yr/sp,<sup>16</sup> which exceeds both

<sup>12</sup> See e.g., 400 S. Alameda (May 2017) ENV-2016-3656-MND, p. IV:40-41, [https://planning.lacity.org/staffrpt/mnd/Pub\\_052517/ENV-2016-3656.pdf](https://planning.lacity.org/staffrpt/mnd/Pub_052517/ENV-2016-3656.pdf); 1400 Cahuenga (Apr. 2016) ENV-2015-3167-MND, p. 3:61, [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_040716/ENV-2015-3167.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_040716/ENV-2015-3167.pdf) and ENV-2015-3167-MND-REC 1 (Nov. 2017), p. 2:46; 6516 W. Selma Avenue (Dec. 2016) ENV-2016-4313-MND, p. IV:38, [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_122216/ENV-2016-4313.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_122216/ENV-2016-4313.pdf); 433 S. Main St. (Aug. 2017) ENV-2016-3817-MND, p. 34-35, [https://planning.lacity.org/staffrpt/mnd/Pub\\_070617/ENV-2016-3817.pdf](https://planning.lacity.org/staffrpt/mnd/Pub_070617/ENV-2016-3817.pdf).

<sup>13</sup> See e.g., 2130 E. Violet St. (Sep. 2016) ENV-2016-1707-MND, p. III:34-35 [Table III-8, note b], [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_092916/ENV-2016-1707.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_092916/ENV-2016-1707.pdf); 959 S. Broadway (Jan. 2016) ENV-2014-2948, p. 34-35, <http://cityplanning.lacity.org/staffrpt/mnd/ENV-2014-2948.pdf>.

<sup>14</sup> See SCAQMD Working Group Meeting 15 Minutes, available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2)

<sup>15</sup> See e.g., 631 S. Spring Street (Jan. 2017) ENV-2015-2356-EIR, pp. IV.E:23-24, 28-30 <https://planning.lacity.org/eir/SpringStHotel/DEIR/DEIR%20Sections/Spring%20St%20Hotel%20IV.E%20Greenhouse%20Gas%20Emissions.pdf>; 6516 W. Selma Avenue, *supra* fn 12, p. IV:38-39;

<sup>16</sup> Calculated: (8,204.63 MTCO<sub>2</sub>e/yr) divided by (1,248 service population) equals 6.5742 MTCO<sub>2</sub>e/yr/sp.

2020 and 2035 targets. This also exceeds the community-wide efficiency targets of 6.0 MTCO<sub>2</sub>e per capita by 2030 and no more than 2.0 MTCO<sub>2</sub>e per capita by 2050 proposed by the California Air Resources Board (“CARB”) in its 2017 Scoping Plan—a goal that “expands upon the reduction of 15 percent ... previously recommended in the 2008 Scoping Plan.”<sup>17</sup> The MND fails to model or provide any such efficiency target, and for the most part its entire GHG analysis is speculative fluff with little modeling.

Third, the MND cherry-picks the Project’s consistency with various plans such as CARB’s AB 32 Scoping Plan, SCAG’s 2016-2040 RTP/SCS, and the City’s Green Building Code. MND, pp. III:40-49. However, none of these plans qualify as a Climate Action Plan (“CAP”) adopted pursuant to an adequate CEQA review with the specific intent of reducing a lead agency’s fair-share contribution to the State’s GHG emissions. As made clear by the California Supreme Court, just because a “project is designed to meet high building efficiency and conservation standards, for example, does not establish that its [GHG] emissions from transportation activities lack significant impacts.” *Center for Biological Diversity v. Department of Fish & Wildlife (“Newhall Ranch”)* (2015) 62 Cal.4th 204, 229. This concept is known as “additionality” whereby GHG emission reductions otherwise required by law or regulation are appropriately considered part of the baseline and, pursuant to CEQA Guideline § 15064.4(b)(1), a new project’s emission should be compared against that existing baseline.<sup>18</sup> Hence, a “project should not subsidize or take credit for emissions reductions which would have occurred regardless of the project.”<sup>19</sup> In short, as observed by the Court, newer developments must be more GHG-efficient. *See Newhall Ranch*, 62 Cal.4th at 226. Therefore, the MND’s reliance on these non-CAP plans is a red-herring designed to make the Project’s direct and cumulative GHG impacts appear to be insignificant. MND, pp. III: 40-49, 50.

3.4

Additionally, the MND claims that the Project would achieve a nine percent reduction in GHG emissions as compared to a project without GHG reduction measures. MND, p. III:39. Although the MND claims that this comparison is “not a quantitative threshold of significance” (*id.*), it serves as a red-herring to make the Project appear to be GHG insignificant. This type of analysis is apples-to-apples to the Business as Usual (“BAU”) analysis expressly rejected by the California Supreme Court. *Newhall Ranch*, 62 Cal.4th at 227 (“[t]he analytical gap left by the EIR’s failure to establish, through substantial evidence and reasoned explanation, a quantitative equivalence between the Scoping Plan’s statewide comparison and the EIR’s own project-level comparison deprived the EIR of its ‘sufficiency as an informative document.’ [citation].”). Similarly, the MND’s analysis leaves an analytical gap showing how the Project’s compliance with regulatory requirements is relevant to determine whether the Project’s GHG emissions are insignificant. As

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<sup>17</sup> CARB (Nov. 2017) 2017 Scoping Plan, pp. 99-100, [https://www.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf).

<sup>18</sup> *See* Final Statement of Reasons for Regulatory Action: Amendments to State CEQA Guidelines Addressing Analysis and Mitigation of GHG Emissions Pursuant to SB-97 (“[Final Statement of Reasons](#)”) (Dec. 2009), pp. 23, 89 (while a Platinum LEED® rating may be relevant to emissions from a building’s energy use, “that performance standard may not reveal sufficient information to evaluate transportation-related emissions associated with that proposed project”), [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf); *see also* California Air Pollution Control Officers Association (“[CAPCOA](#)”) (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, pp. 32, A3 (“in order for a project or measure that reduces emissions to count as mitigation of impacts, the reductions have to be ‘additional.’ Greenhouse gas emission reductions that are otherwise required by law or regulation would appropriately be considered part of the existing baseline. Thus, any resulting emission reduction cannot be construed as appropriate (or additional) for purposes of mitigation under CEQA.”), <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

<sup>19</sup> CAPCOA, *supra* fn. 18, p. A-3.

discussed above, these requirements were not part of a qualified CAP and therefore a qualitative comparison to these regulatory requirements is irrelevant to the question of whether the Project has a significant GHG impact.

Fourth, the MND relies on speculative mitigation measures. The claimed nine percent reduction in GHG emissions (discussed above) stems from project design features and mitigation measures (“MM”) such as “implementing an operational recycling program during the life of the Project” and a 15 percent reduction in daily trips from a traffic demand management (“TDM”) Program. MND, pp. III:39-40; MND, APP-H, PDF p. 51. However, the MND fails to describe the components of the recycling program or demonstrate how it will be enforced. Similarly, the exact components of the TDM program is not certain and yet to be determined by the Department of Transportation (“DOT”). IS, pp. 22-23 [MM T-1]; MND, APP-H, PDF pp. 3-4. Nor is the TDM Monitoring Program sufficiently described (IS, pp. 22-24 [MM T-2]), such as what frequencies the TDM Program shall be reviewed, how disputes between DOT and the Applicant shall be resolved, or what penalties shall be available to ensure actual enforcement of the TDM Program. At minimum, the City should commit the Project to concrete, meaningful mitigation measures, such as

3.4

- Free transit passes for all residential tenants and employees of the Project, including those in the 15,000 SF ground floor retail/commercial space;
- Provide rideshare matching services;
- Funds for the Metro Bikeshare program; and
- A more thorough TDM Monitoring Program with vigorous oversight and penalties with actual teeth.

#### D. TRAFFIC IMPACTS

Here, the MND analyzed traffic impacts assuming high-rise residential uses (ITE use code 222 and 232), which generates 4.20 daily trips with a 0.34/0.38 AM/PM Peak Hour rate (respectively). MND, Table III:32; MND, APP-H, PDF p. 33, 54, 73. As compared to a hotel use (ITE use code 310), like the Spring Street Hotel project listed in the MND as related project 81 (MND, p. II:34), a hotel generates 8.17 daily trips with a 0.53/0.61 AM/PM Peak Hour rate (respectively).<sup>20</sup> This is a significant increase in traffic generation with potential impacts going unanalyzed if the Project is not sufficiently conditioned to prevent the Site from being converted to a hotel use without additional CEQA review. Additionally, the only TDM strategy proposed by the Applicant is the unbundling of parking costs. MND, APP-H, PDF p. 190. As discussed above, the MND claims a 15 percent reduction in vehicle-miles-traveled (“VMT”) by incorporating this mitigation measures, which reflects measure PDT-2 proposed by the CAPCOA intended to reduce a project’s GHG emissions from mobile sources. MND, III:149, 182; MND, APP-H, PDF p. 190-193.<sup>21</sup> According to CAPCOA, this strategy while applicable to residential projects, is not applicable to hotel projects.<sup>22</sup>

3.5

***This further supports the need for an explicit restriction barring the Site’s future use as a hotel or TORs without additional CEQA review.***

///

<sup>20</sup> 633 S. Spring St. (Jan. 2017) ENV-2015-2356-EIR, Table IV.J:5, <https://planning.lacity.org/eir/SpringStHotel/Deir/DEIR%20Sections/Spring%20St%20Hotel%20IV.J%20Transportation.pdf>.

<sup>21</sup> See also CAPCOA, *supra* fn. 18, pp. 210-212.

<sup>22</sup> *Ibid.*, at p. 210.

## II. CONCLUSION

Commentors appreciate the opportunity to provide these comments. Again, Commentors respectfully request that the City withhold all project approvals until the MND cures the flaws discussed above and recirculated for public review. Additionally, Commentors request that all feasible mitigation measures and conditions be incorporated into any future Project approval, including but not limited to:

- Conditions of approval that prevent Onni or its successor-in-interest from (a) advertising or renting the Project as a short-term rental, hotel, TORS, or other hotel-like use; (b) offering leases for less than one year or allowing tenants to sublet/assign their units for less than 30 days; or (c) leasing units to corporate/business entities—all of which ensure this Project provides actual housing for long-term residents;
- Conditions that ensures any subsequent conversion to hotel-like use would be subject to a new CEQA review and subject to the City’s Affordable Housing Linkage Fee;
- Prioritizing all public benefit/TFAR payments to open-space, parks, and affordable housing opportunities for the public near the Project Site;
- Free transit passes for all residential tenants and employees of the Project;
- Provide rideshare matching services;
- Funds for the Metro Bikeshare program; and
- A more detailed TDM Monitoring Program with adequate oversight and penalties.

3.6

Commentors reserve the right to supplement these comments at future hearings and proceedings for this Project. *See Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Finally, on behalf of Appellants, this Office requests, to the extent not already on the notice list, all notices of CEQA actions, Appeal hearing and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. *See* Pub. Res. Code §§ 21080.4, 21083.9, 21092, 21092.2, 21108, 21167(f) and Gov. Code § 65092. Please send notice by electronic and regular mail to: Gideon Kracov, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, [gk@gideonlaw.net](mailto:gk@gideonlaw.net) (cc: [jordan@gideonlaw.net](mailto:jordan@gideonlaw.net)).

Sincerely,



Gideon Kracov  
Attorney for Appellants

Enclosure



APPLICATIONS:

# APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

**ORIGINAL**

**1. APPELLANT BODY/CASE INFORMATION**

Appellant Body:

- Area Planning Commission     City Planning Commission     City Council     Director of Planning

Regarding Case Number: DBS-180033-DCP

Project Address: 888 S. Olive St.

Final Date to Appeal: May 24, 2018

- Type of Appeal:     Appeal by Applicant/Owner  
 Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved  
 Appeal from a determination made by the Department of Building and Safety

**2. APPELLANT INFORMATION**

Appellant's name (print): Charles "Charlie" Carnow & Antonio Mendoza

Company: \_\_\_\_\_

Mailing Address: 464 Lucas Ave #201

City: Los Angeles    State: CA    Zip: 90017

Telephone: 818-635-3034    E-mail: carnow@gmail.com, antonio.mendoza@yahoo.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self     Other: On behalf of ourselves and UNITE HERE Local 11

- Is the appeal being filed to support the original applicant's position?     Yes     No

**3. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_    State: \_\_\_\_\_    Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_    E-mail: \_\_\_\_\_

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part

Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: \_\_\_\_\_

Date: 5-24/10

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**APPEAL JUSTIFICATION RE:  
LADBS Report No. DBS-180033-DCP (Level Furnished Living located at 888 S. Olive St.)**

Appellants Charlie Carnow and Antonio Mendoza (“Appellant”) hereby respectfully appeals (the “Appeal”) pursuant to the Los Angeles Municipal Code (“LAMC” or “Code”) to the Los Angeles City Planning Department (“City Planning”) the referenced report issued by the Los Angeles City Department of Building and Safety (“Building & Safety”) related to the issuance of Permit No. 17016-10000-04924 issued to the apartment building located at 888 S. Olive Street (“Property”) developed and operated by Onni 888 Olive Street LP (“Onni”).

In short, the City of Los Angeles (“City”), via City Planning, granted Onni land use entitlements to allow 303 residential and seven commercial condominiums for a total of 310 condo-units. However, relying on post-approval clearances by City Planning, Building & Safety issued the property a Certificate of Occupancy allowing 97 units to be used as a Transient Residency Occupancy Structure (“TORS”), which was unilaterally authorized with a single reference to an undocumented email stating that TORS was a by-right use under the Property’s Q Condition. This, however, was an error because a TORS conversion requires a conditional use permit under LAMC § 12.24 – just like similarly situated properties subject to the same Q condition – or an equivalent approval subject to basic procedural and substantive safeguards afforded such as a Clarification of a Q condition under LAMC § 12.32.

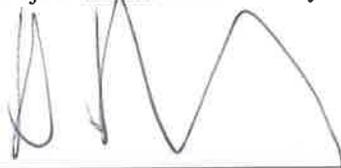
On March 7<sup>th</sup>, 2018, appellants appealed this building permit to f Building & Safety. On May 3<sup>rd</sup>, the Building & Safety issued the attached report (inclusive of Appellant’s original appeal) denying the appeal stating that it followed proper procedure in obtaining City Planning approvals for change of use to TORS. Accordingly, we are appealing this decision to the Director of City Planning. Please consider the arguments set forth in Appellants’ original appeal, incorporated in their entirety by this reference, which shows an abuse of discretion when City Planning cleared the ‘Q’ condition and allowed the TORS conversion. To summarize, Appellants demonstrated the following:

1. Onni failed to secure a conditional use permit, clarification of ‘Q’ condition or similar entitlement afforded procedural and substantive due process rights.
2. Operating a TORS use without proper rezoning violated the conditions and approval and land use findings imposed on Onni’s prior entitlements.
3. Failure to disclose material information about the Property’s intended use as an extended stay hotel with kitchens (i.e., TORS) violates LAMC § 91.103.4.
4. Failure to analyze TORS use under any environmental review was improper under the California Environmental Quality Act (“CEQA”).
5. Failure to analyze the TORS use in the first instance, and securing an improper change to TORS use, amounts to improper project piecemealing under CEQA.

We respectfully urge you to sustain this Appeal, revoke Onni’s Certificate of Occupancy for TORS use and related permit approvals, call for a public hearing to discuss these issues, and ensure the Property is used as it was originally entitled, a housing project not an extended stay hotel.

Sincerely,

  
\_\_\_\_\_  
Charlie Carnow

  
\_\_\_\_\_  
Antonio Mendoza

BOARD OF  
BUILDING AND SAFETY  
COMMISSIONERS

VAN AMBATIELOS  
PRESIDENT

E. FELICIA BRANNON  
VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL  
GEORGE HOVAGUIMIAN  
JAVIER NUNEZ

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY

201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

FRANK M. BUSH  
GENERAL MANAGER  
SUPERINTENDENT OF BUILDING

OSAMA YOUNAN, P.E.  
EXECUTIVE OFFICER

May 3, 2018

Charles Carnow  
464 Lucas Ave #201  
Los Angeles, California 90017

**888 SOUTH OLIVE ST; DBS-180033-DCP**

You are hereby notified that the Los Angeles Department of Building and Safety ("LADBS") has rendered a written determination in response to your appeal concerning the above-referenced matter. The Department's determination is effective **May 3, 2018**. The report, dated March 2, 2018, is enclosed.

Pursuant to L.A.M.C. §12.26 K, the determination made by LADBS may be appealed to the Director of Planning within 15 days of the effective date of the written determination. If you choose to appeal the determination, you must file the appeal at the public counter of the Department of City Planning no later than **May 24, 2018**. Please refer to L.A.M.C. §12.26 K (1) through §12.26 K (3) for specific filing instructions. The appeal fee is \$500.00.

If you have any additional questions, you may contact me at (213) 482-0472.

ALDO UBAU, P.E.  
Building Civil Engineer I  
Government & Community Relations/ Code Studies

Enclosure

c: Omni 888 Olive Street Limited Partnership  
Ambruster Goldsmith & Delvac LLP  
Charmie Huynh, Building Civil Engineer, Development Services Case Management



888 S Olive St

Page 1

Report No. DBS-180033-DCP

REPORT ON APPEAL FROM LADBS DETERMINATION TO THE DIRECTOR OF  
PLANNING PURSUANT TO L.A.M.C. §12.26 K (Ordinance No. 175,428)

**REPORT NO. DBS-180033-DCP**

JOB ADDRESS: 888 S Olive St	Date of Report: May 3, 2018
ZONE: [Q]R5-4D	Effective Date of Determination: May 3, 2018
C.D.: 14 (Councilmember: Jose Huizar)	Deadline to Appeal to DCP: May 24, 2018
PLANNING AREA: Central City	Appeal Fee: \$500.00

**APPEAL**

Determine that the Los Angeles Department of Building and Safety (LADBS) erred and abused its discretion in issuing the following permit:

- Building permit no. 17016-10000-04924 for a change of use for portion of (E) apartment building to transient occupancy residential structure at level 5-12 and 28 for 97 units.

**EXHIBITS**

EXHIBIT A: Building permit no. 17016-10000-04924 for a change of use for portion of (E) apartment building to transient occupancy residential structure at level 5-12 and 28 for 97 units.

EXHIBIT B: Clearance summary worksheet for building permit no. 17016-10000-04924

APPENDIX: Appeal package submitted by appellant on March 7, 2018

**OVERVIEW**

The subject site is located in the Central City area of the City. The zone for the subject lot is [Q]R5-4D. The site is developed with an existing mixed use 33-story high-rise building consisting of apartments and commercial uses.

## **HISTORY**

On March 7, 2017, plans were submitted to LADBS for plan check under building permit no. 17016-10000-04924 for a change of use for portion of (E) apartment building to transient occupancy residential structure at levels 5-12 and level 28 for 97 units.

On April 18, 2017, the Department of City Planning (DCP) approved clearances for previous applicable planning entitlement cases on this site. (See exhibit B)

On May 30, 2017, DCP approved a clearance for discretionary approval for 12.24W24(c) and for Q clarification for transient occupancy residential structure on the clearance summary worksheet under building permit no. 17016-10000-04924. (See exhibit B)

On June 14, 2017, building permit no. 17016-10000-04924 was issued.

On March 7, 2018, the appellant submitted the appeal (*Appendix*).

## **DISCUSSION:**

The following issues are identified in the appellant's brief (*Appendix*), along with the corresponding response from LADBS:

### **Issue no. 1**

LADBS erred and abused its discretion in issuing building permit no. 17016-10000-04924 because the applicant failed to secure a conditional use permit, clarification of "Q" condition, or similar entitlement.

### **LADBS response to issue no. 1**

LADBS followed protocol in referring the project to DCP for discretionary approval pursuant to 12.24W24(c) for transient occupancy residential structure use, for Q condition approval for overall conditions and for Q conditions approval specifically for the transient occupancy residential structure use pursuant to 12.32G2. DCP approved all of these clearances and therefore LADBS issued building permit no. 17016-10000-04924.

### **Issue no. 2**

LADBS erred and abused its discretion in issuing building permit no. 17016-10000-04924 because the property is operating a TORS (transient occupancy residential structure) use without proper rezoning, which violates the conditions of approval and land use findings imposed on the applicant's prior entitlements.

**LADBS response to issue no. 2**

LADBS followed protocol in referring building permit application 17016-10000-04924 to DCP for approval of all previous planning entitlements' conditions. DCP approved the following planning entitlement cases for this site: VTT-70371-CN, AA-2004-1261-PMEX, ZA-2013-1013-MCUP-ZV-SOR, DIR-2015-2510-CLQ, and DIR-2008-2600-SPR. After approval from DCP on these previous entitlement cases, LADBS issued building permit no. 17016-10000-04924.

**Issue no. 3**

LADBS erred and abused its discretion in issuing building permit no. 17016-10000-04924 because the project failed to disclose material information about the property's intended use as extended-stay hotel with kitchens (i.e., TORS).

**LADBS response to issue no. 3**

LADBS completed plan check for building permit no. 17016-10000-04924 based on the project applicant's formally submitted plans stating a proposed change of use from apartment units to transient occupancy residential structure on portions of the building. Plan check was completed based on this proposed scope of work and corrections were written based on the transient occupancy residential structure use that is clearly defined in LAMC 12.03. In addition to plan check, the appropriate DCP approval clearances were added for DCP approval as is required by LADBS plan check protocol. After verification of corrections were made and permit clearances approved, LADBS issued building permit no. 17016-10000-04924

**Issue no. 4**

LADBS erred and abused in its discretion in issuing building permit no. 17016-10000-04924 because they failed to analyze TORS use under any CEQA review.

**Issue no. 5**

LADBS erred and abused in its discretion in issuing building permit no. 17016-10000-04924 because the project was improperly piecemealed.

**Issue no. 6**

LADBS erred and abused in its discretion in issuing building permit no. 17016-10000-04924 because the project failed to provide proper CEQA clearance for DBS' discretionary action.

**LADBS responses to issues no. 4, 5 and 6**

DCP is responsible in administering CEQA and regulating piecemealed projects. LADBS followed protocol in referring the project to DCP for approval of CEQA by adding the appropriate DCP permit signoffs for CUP requirement for transient occupancy residential

structures per 12.24W24(c), Q conditions clearance per 12.32G2, and all previous planning entitlements as previously stated in LADBS response to issue no. 2.

**CONCLUSION**

LADBS did not err nor abuse its discretion in issuing building permit no. 17016-10000-04924 since it was issued in compliance with applicable code requirements with concurrent approval from DCP for a change of use of a portion of the apartment units to transient occupancy residential structure (TORS).

Frank Bush  
General Manager

Prepared By:



---

Charmie Huynh  
Building Civil Engineer

201 N. Figueroa Street Rm 1030  
Los Angeles, Ca 90012  
(213) 482-0466

Cora.Johnson@lacity.org

**Board of Building  
and Safety  
Commissioners  
Office**

# DCP

## Written Determination Assignment

**To:** Charmie Huynh

**Date:** March 15, 2018

**Project  
address:** 888 S. Olive Street

**Due  
Date:** April 15, 2018

**BF No.:** DBS-180033-DCP

Department action required\*\*  
 Written Determination report  
 attach exhibits (pdf)

Comments:

An Error or Abuse of discretion appeal, concerning the Zoning Code or other land use ordinance, has been filed with the LADBS' Commission Office. Pursuant to LAMC 12.26K, LADBS shall render a written determination responding to the appellant's allegations of error or abuse of discretion, prior to referring the matter to the Director of Planning.

You have been assigned the responsibility of preparing a written determination for the above referenced appeal. (see attachment)

A Final draft report is due by: April 15, 2018

\*\*Please email the "**Word version**" of the written determination along with all referenced exhibits in "PDF" to [cora.johnson@lacity.org](mailto:cora.johnson@lacity.org) on or before the specified due date. \*\*

Please refer to **IB P/ZC 2014-019** for further instructions or call Cora Johnson at (213) 482-0472.

\*The Manager is required to officially DENY the appeal and sign the Request for Modification Form\*

**REQUEST FOR MODIFICATION OF BUILDING ORDINANCES**  
UNDER AUTHORITY OF L.A.M.C. SECTION 98.0403

DBS - 180033 - DCP

EMW & Mouse

PERMIT APP. #: 17016-1000-04294	DATE: 06/14/17	For City Dept. Use Only
---------------------------------	----------------	-------------------------

JOB ADDRESS: 888 S. Olive St., 90014

Tract: FORTHMANN AND BERGIN TRACT NO. 6	Block:	Building Zoning Grading Shoring Mech. Elec. Plumb. Green D.A. Misc.
	Lot: FR 1-4	

Owner: Onni 888 Olive Street, LP	Petitioner: Charles Carnow
Address: 300-550 Robson St.	Address: 464 Lucas Ave. #201

City Vancouver State BC Zip V6B 2B7 Phone	City Los Angeles State CA Zip 90017 Phone 8182352002
---	--

REQUEST (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY) CODE SECTIONS: LAMC §§ 98.0403.1, 12.26, 11.00, 12.29, 12.27.1, 91.103 ...

1) Revoke CofO for TORS use, 2) call for a public hearing to investigate the issues discussed herein, 3) explore all remedial actions including:  
a) imposition of additional corrective conditions to prior entitlements, b) imposition of fines, and c) revocation of prior entitlements.

**JUSTIFICATION (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)**

See attached 12-page Appeal justification alleging procedural errors and abuse of discretion under LAMC and CEQA for 1) failing to secure necessary entitlements before converting building into TORS use; 2) violation of entitlements' conditions of approval; 3) making false and/or failure to disclose material information to DCP/DSP; 4) failure to provide proper CEQA review; 5) improper project piecemealing under CEQA; 6) failure to provide CEQA review for discretionary action (issuance of CofO rather than seeking land use approval).

Owner/Petitioner Name (Print)	(Signature)	Position
-------------------------------	-------------	----------

**FOR CITY DEPARTMENT'S USE ONLY BELOW THIS LINE**

Concurrences required from the following Department(s)	Print Name	Sign	Approved	Denied
<input type="checkbox"/> Los Angeles Fire Department	_____	_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Public Works Bureau of Engineering	_____	_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Department of City Planning	_____	_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Department of County Health	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

<b>DEPARTMENT ACTION</b>	Reviewed by: (Staff) (Print)	Sign	Date
<input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED			
	Action taken by: (Supervisor) (Print)	Sign	Date

NOTE: IN CASE OF DENIAL, SEE PAGE #2 OF THIS FORM FOR APPEAL PROCEDURES

**CONDITIONS OF APPROVAL (Continued on Page 2):**

**For Cashiers Use Only**  
LA Department of Building and Safety  
(PROCESS ONLY WHEN FEES ARE VERIFIED)  
LA ESTE 104127517 3/7/2018 9:28:17 AM

FEES (DEPARTMENT USE ONLY)			
Appeal Processing Fee.. (No. of Items) =	3	X \$130 + \$39/addl	= 208.00
Inspection Fee ..... (No of Insp.) =		X \$ 84.00	=
Research Fee ... (Total Hours Worked) =	2	X \$104.00	= 208.00
Subtotal.....			= 416.00
Development Services Center Surcharge	X 3%		= 12.48
Systems Development Surcharge .....	X 6%		= 24.96
Total Fees.....			= 453.44
Fees verified by:			
Print and Sign <u>CORA JOHNSON / Cora Johnson</u>			

BOARD APPLIC FEE	\$208.00
SYSTEMS DEV SURCH	\$12.48
DEV SERV CENTER SURCH	\$6.24
RESEARCH FEE	\$208.00
SYSTEMS DEV SURCH	\$12.48
DEV SERV CENTER SURCH	\$6.24
<b>Sub Total:</b>	<b>\$453.44</b>

Receipt #: 0104859173

**ORIGINAL**

CONDITIONS OF APPROVAL (Continued from Page 1)

CITY OF LOS ANGELES BOARD OF BUILDING AND SAFETY/DISABLED ACCESS COMMISSION APPEAL FORM

(Must be Attached to the Modification Request Form, Page 1)

AFFIDAVIT - LADBS BOARD OF BUILDING AND SAFETY COMMISSIONERS - RESOLUTION NO. 832-93

I, Charles Carnow do state and swear as follows:

- 1. The name and mailing address of the owner of the property (as defined in the resolution 832-93) at 464 Lucas Ave #201 (WORK ADDRESS) as shown on the appeal application (LADBS Com 31) are correct, and
2. The owner of the property as shown on the appeal application will be made aware of the appeal and will receive a copy of the appeal.

I declare under PENALTY OF PERJURY that the foregoing is true and correct.

Owner's Name(s) Charles Carnow Charles Carnow

Owner's Signature(s) [Signature] (Two Officers' Signatures Required for Corporations)

Name of Corporation (Please Print Name of Corporation)

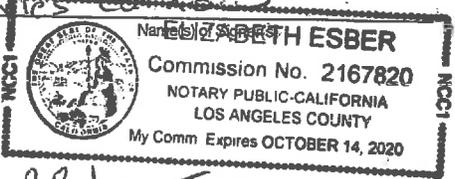
Dated this March day of 6th 2018

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT SIGNATURE(S) MUST BE NOTARIZED

State of CALIFORNIA County of Los Angeles on March 6, 2018

before me, Elizabeth Esber, Notary Public, personally appeared Charles Carnow

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument in person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.



WITNESS my hand and official seal. Signature [Signature]

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.

APPEAL OF DEPARTMENT ACTION TO THE BOARD OF BUILDING AND SAFETY COMMISSIONERS/DISABLED ACCESS APPEALS COMMISSION

Applicant's Name Applicant's Title

Signature Date

Table with columns for Fee Name, Amount, and Total Fees. Includes Board Fee, Inspection Fee, Research Fee, Subtotal, Development Services Center Surcharge, Systems Development Surcharge, and Total Fees.

For Cashiers Use Only (PROCESS ONLY WHEN FEES ARE VERIFIED)

Print and Sign [Signature]

## SUPPLEMENTAL APPLICATION FOR APPEALS

**TYPE OF APPEAL:**

- BUILDING CODE APPEAL
- ZONING CODE APPEAL
- INSPECTION / CODE ENFORCEMENT APPEAL

**PROJECT TYPE:**

- One or Two Family Residential
- Multi-Family Residential
- Commercial/Industrial

PERMIT APPLICATION #: 17016-1000-04294

ADDRESS: 888 S. Olive St., 90014 ZIP: 90014

TRACT: <sup>FORTHMANN AND BERGIN TRACT NO.</sup> 6 BLK: \_\_\_\_\_ LOT: 1-4

OWNER NAME: Onni 888 Olive Street, LP OWNER ADDRESS: 300-550 Robson St., Vancouver, BC ZIP: V6B 2b7

**APPLICANT INFORMATION:**

NAME: Charles Carnow ADDRESS: 464 S. Lucas Ave (work address) ZIP: 90014

EMAIL: ccarnow@unitehere11.org APPLICANT SIGNATURE:  DATE: 3/15/18

ISSUES:	VIOLATION:	CODE SECTION:
1. _____		
2. _____	<div style="border: 1px solid black; padding: 10px; display: inline-block;">                     see "ATTACHMENT: Supplemental Application For Appeals"                 </div>	
3. _____		

\*For Additional Issues, attach to this application.  
 \*Attach all applicable exhibits and evidence to this application.

ORIGINAL

ATTACHMENT: Supplemental Application For Appeals

The Department of Building and Safety (DBS)'s issuance of the Certificate of Occupancy (CofO) for Transient Occupancy Residential Structure (TORS), based on the Department of City Planning (DCP)'s arbitrary and capricious interpretation of the property's "Q" Condition, was an error and abuse of discretion because:

ISSUES:	VIOLATIONS (CODE SECTION):
<p><u>LAMC Code Issues:</u></p> <ol style="list-style-type: none"><li>1. Applicant failed to secure Conditional Use Permit, Clarification of "Q" Condition, or similar entitlement afforded procedural and substantive due process.</li><li>2. Operating a TORS use without proper rezoning violates the conditions of approval and land use findings imposed on the applicant's prior entitlements.</li><li>3. Failure to disclose material information about the property's intended use as extended-stay hotel with kitchens (i.e., TORS).</li></ol> <p><u>CEQA Issue:</u></p> <ol style="list-style-type: none"><li>4. Failure to analyze TORS use under any CEQA review.</li><li>5. Improper project piecemealing.</li><li>6. Failing to provide proper CEQA clearance for DBS's discretionary action.</li></ol>	<ol style="list-style-type: none"><li>1. LAMC §§ 12.12, 12.24, 12.32.H; Ordinance Nos. 164307, 167689, 179076.</li><li>2. LAMC §§ 11.00, 12.26, 12.27.1, 12.29, 98.0403.1.</li><li>3. LAMC §§ 91.103.4, 91.106.4.4.2.</li><li>4. In addition to the above-mentioned Code provisions, Cal. Pub. Res. Code § 21000 <i>et seq.</i>, (CEQA).</li></ol>

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## APPEAL JUSTIFICATION RE:

**Appeal Certificate of Occupancy for TORS Use;  
Permit No. 17016-1000-04294 issued 06/14/17;  
Related to Onni's Level Furnished Living located at 888 S. Olive St., 90014**

Appellants Charlie Carnow and Antonio Mendoza ("Appellants") hereby submit this Appeal pursuant to the Los Angeles Municipal Code ("LAMC" or "Code") to the Los Angeles Department of Building and Safety ("DBS") challenging Permit No. 17016-10000-04924 and associated clearances ("Permit") (attached hereto as Exhibit A) issued to the apartment building located at 888 S. Olive Street ("Property") developed and operated by Onni 888 Olive Street, LP ("Onni").

In short, the City of Los Angeles ("City"), via its Department of City Planning ("DCP"), granted Onni land use entitlements to allow 303 residential and seven commercial condominiums for a total of 310 condo-units ("Project"). However, relying on post-approval clearances by DCP, DBS issued the Property a Certificate of Occupancy ("CofO") allowing 97 units to be used as a Transient Occupancy Residential Structure ("TORS"), which was unilaterally authorized with a single reference to an undocumented email stating TORS was a by-right use under the Property's "Q" Condition. This, however, was an error because a TORS conversion requires a Conditional Use Permit ("CUP") pursuant to LAMC § 12.24 — just like other similarly-situated properties subject to the same "Q" Condition — or an equivalent approval subject to basic procedural and substantive safeguards afforded under, such as a Clarification of a "Q" Condition ("CLQ") pursuant to LAMC § 12.32.

Additionally, TORS use at the Property was never analyzed under the Project's mitigated negative declaration ("MND") previously prepared pursuant to the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.*, ("CEQA"). There is a fair argument that converting 97 condo-units into TORS use — more than 30 percent of the permitted units — conflicts with applicable land use plans, generate additional vehicle trips, and lead to significant traffic, air quality, and greenhouse gas ("GHG") impacts. Therefore, Onni was required to prepare a more comprehensive environmental impact report ("EIR"), or at least an addendum to the MND — just like it did for the mere addition of 20 condo-units approved in 2013. Furthermore, Onni's actions over the past ten years — including four separate attempts to increase the size and scope of the Project—amounts to improper project piecemealing. Therefore, this Appeal also challenges the issuance of the CofO Permit as an error under CEQA given failure to require a CUP or CLQ was a discretionary action taken by DBS.

Pursuant to LAMC §§ 98.0403.1 and 12.26, DBS has the authority and duty to take remedial actions to enforce applicable zoning laws and regulations. Appellants respectfully request DBS (1) revoke Onni's CofO for TORS use, (2) call for a public hearing to investigate the issues discussed herein, and (3) explore all remedial actions, including imposition of additional corrective conditions to Onni's existing entitlements, to ensure the Property is used as it was originally entitled—a housing project, not an extended-stay hotel.

### I. APPELLANT STANDING

Appellant Charlie Carnow is a Los Angeles resident and works approximately 1.5 miles from the Property and regularly frequents the immediately adjacent areas for work and social events. Appellant Antonio Mendoza is a Los Angeles resident and resides approximately .4 miles from the Property. Appellants will be adversely affected by any environmental impacts caused by the TORS use, such as

increased traffic impacts and potential worsening of air quality. Additionally, as Los Angeles renters, Appellants are affected by housing shortage worsened by the conversion of residential units to short-term rentals. Appellants are therefore “aggrieved” under LAMC §§ 12.26.K.1 and 98.0403.1(b)1.

## II. BACKGROUND ON TORS ON R5 ZONED PROPERTY

**TORS GENERALLY:** A TORS Conversion on R5 Zoned property requires specific land use findings. Under LAMC § 12.03, “Transient Occupancy Residential Structure” is defined as a residential building used for 30 consecutive days or less. As DCP recently explained in its January 2018 staff report (“DCP Staff Report”) (attached hereto as Exhibit B), the TORS designation was established in the “early 1990s to allow for extended-stay hotels to include kitchens in the guest rooms, *something otherwise not allowed.*” (DCP Staff Report, pp. 4-5, emphasis added). With the passage of Ordinance No. 167689, the City created the TORS designation and restricted its use to specific zones and approval procedures.<sup>1</sup> Unfortunately, due to its broad definition, the TORS designation can improperly lead to the “whole or partial conversion of existing apartment buildings currently providing important long-term housing to short-term rentals, which was *not the original intent in creating the TORS use.*” (*Id.*, emphasis added). The City is currently considering an ordinance related to short-term rentals (“SRO Ordinance”) (attached hereto as Exhibit C), which would explicitly limit this type of conversion prospectively. (See SRO Ordinance, pp. 6-7).<sup>2</sup> Nevertheless, TORS conversion is currently limited by LAMC § 12.24.W.24(c), which requires a CUP for TORS uses within the R5 Zone “*unless expressly permitted*” by LAMC § 12.12, which it does not. Additionally, “[i]f the proposed use is to be established by *the conversion of an existing apartment house, apartment hotel or single family dwelling, then a relocation assistance plan shall be drawn up* and approved in a manner consistent with [LAMC § 12.95.2.C].” Furthermore, the City may grant the CUP only after making specific legal findings pursuant to LAMC § 12.24.E, which provides (emphasis added):

1. The project will enhance the built environment in the surrounding neighborhood or will *perform a function or provide a service that is essential or beneficial* to the community, city, or region;
2. that the project's location, size, height, operations and other significant features will be compatible with and will *not adversely affect or further degrade adjacent properties*, the surrounding neighborhood, or the public health, welfare, and safety; and
3. that the project substantially *conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.*

**APPLICABLE “Q” CONDITION:** A CUP is required notwithstanding the Property’s “Q” Condition. For example, applicant Forest City Southpark Two, LLC (“Forest City”) is proposing the replacement of a three-story, 15-unit building with a 27-story, 236-unit residential tower with ground-floor retail/restaurant uses located at 949 S. Hope Street (DCP Case No. ZA-2017-4610-CU-MCUP-SPR).<sup>3</sup> In

<sup>1</sup> See Ordinance No. 167689 (03/27/92) CF No. 88-1249, pp. 1-7, available at [http://clkrep.lacity.org/onlinedocs/1988/88-1249\\_ORD\\_167689\\_05-09-1992.pdf](http://clkrep.lacity.org/onlinedocs/1988/88-1249_ORD_167689_05-09-1992.pdf).

<sup>2</sup> Under the draft SRO Ordinance, CUP approval would not allow TORS conversion of a residential structure.

<sup>3</sup> See generally DCP Case Summary (last accessed 3/5/18), available at <http://planning.lacity.org/pdiscaseinfo/CaseId/MjE2OTg50>; DCP Case Information (last accessed 3/5/18), available at <http://planning.lacity.org/caseinfo/casesummary.aspx?case=ZA-2017-4610-CU-MCUP-SPR>;

addition to Site Plan Review (“SPR”) and a Master Conditional Use Permit (“MCUP”), the City requires a CUP to allow TORS use in the R5 Zone. Like the Onni Project, the Forest City project is located on a [Q]R5-4D property subject to same “Q” Condition imposed pursuant to Ordinance No. 164307,<sup>4</sup> which provides (emphasis added):

Notwithstanding Municipal Code Section 12.22-A.18, the property shall be limited to the following uses:

1. Residential uses permitted in the R5 Zone.
2. *Hotels, motels, and apartment hotels.*
3. Parking buildings, provided Such parking is accessory to the main use of the lot or accessory to the main use of another lot not more than 1500 feet distant therefrom.
4. *Any other uses permitted in the C4 zone within buildings which were in existence on the lot upon the effective date of this ordinance.*
5. Any other use permitted in the C4 Zone provided the floor area ratio of such use does not exceed 2:1.
6. *Any other use permitted in the C4 Zone, including commercial uses with a floor area ratio from 2:1 to 6:1, provided the development plan is approved pursuant to the following procedure:*
  - A. The City Planning Commission shall have the authority to approve such development plan if it finds: (i) that the proposed development will be desirable to the public convenience or welfare, and (ii) that the proposed development will be in harmony with the objectives and intent of the Central City Community Plan, and (iii) that the City Planning Commission and the Community Redevelopment Agency Board have determined that the proposed development conforms to the Redevelopment Plan for the Central Business District, and (iv) that *the proposed development will not have an adverse impact on existing or planned housing development* in the vicinity, and (v) that the proposed development will *not reduce the potential for future housing development* on any other property planned for housing use in the Central City Community Plan.
  - B. The Commission may imposed such conditions as it deems necessary to secure an appropriate development in harmony with the objectives and intent of the Central City Community Plan and the Redevelopment Plan for the Central Business District.
  - C. *An application to permit such development, together with a complete set of development plans, shall be filed with the Community Redevelopment Agency and the City Planning*

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<sup>4</sup> Under Ordinance No. 164307, the Onni Property and Forest City property are designated as subarea 2025 and 2430 (respectively) and subject to the same “Q” Condition restrictions. (See Ordinance 164307 (12/20/88) Council File (“CF”) No. 87-2328, pp. 1, 30, 62, 89-92, map attached thereto, available at <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZmQ1YWQzMjAtNjZkYi00ZWlwLWEyNGEtMwVlYmYwMmZmMjk00>).

Commission. The application with the Planning Commission shall be deemed complete when accompanied by a determination by the Community Redevelopment Agency Board.

- D. Upon the filing of a complete application with the Planning Commission, the matter shall be set for public hearing. Notice of the time, place, and purpose of such hearing shall be given as set forth in Municipal Code Section 12.24-B.3(b). The determination of the Commission, or the City Council on appeal, shall be made pursuant to the procedures set forth in Municipal Code Section 12.24-B.3(d) and (e).

In a manner consistent with the framework mentioned above, DCP required Forest City to seek a CUP to allow TORS use—notwithstanding the language regarding hotels, motels, and apartment hotels as a permitted use. This included submission of an 87-page master land use application (“Forest City Application”) (excerpts attached hereto as Exhibit D),<sup>5</sup> which explicitly addresses how the proposed project satisfies the specific CUP findings and addresses therein how the project will not adversely impact existing, planned, or potential future housing development. (See Forest City Application, pp. 11-16).<sup>6</sup>

### III. PROJECT BACKGROUND

**PROJECT ENTITLEMENTS:** Onni has sought and received multiple land use approvals in recent years. In 2009, relying upon the Project’s MND, the City granted SPR and a Vesting Tentative Tract (“VTT”) map approval to allow 283 residential-condos, which was extended most recently in 2014 (DCP Case Nos. ENV-2008-2573-MND, DIR-2008-2600-SPR-EXT3, VTT-70371-CN-EXT2) (collectively “2009 DIR Approval”). In 2013, relying upon an addendum to the MND, the City granted a new SPR, MCUP, VTT, and Zone Variance (“ZV”) to allow up to 310 condo units, which was also extended in 2014 (DCP Case Nos. ENV-2008-2573-MND-REC1, ZA-2013-1013-MCUP-ZV-SPR-EXT, VTT-70371-CN-M1) (collectively “2013 ZA Approval”). Despite Appellants’ best efforts, only the MND’s 2008 initial study and summary of mitigation measures (“2008 IS/MM”) could be located on City-controlled websites. None of these approvals/documents mention—much less analyze—the Property’s potential use as a TORS, extended-stay hotel, or another form of short-term residential use. Rather, the City made its legal finding citing how the Project would help South Park homeowners and renters during the City’s housing crises, for example:

- The Project would be consistent with goals/objectives promoting “development of residential units in South Park[,]” clearly promote housing that “meets the needs of neighborhood

<sup>5</sup> Entire Project Application for the Forrest City project available at <http://www.dlanc.org/sites/dlancd7.localhost/files/949%20S%20Hope.pdf>.

<sup>6</sup> Stating that the existing building with its mere 15 units is “in effect contributing to the housing shortage in the neighborhood by severely underutilizing the site[;]” demolition of the building would pave the way for 236 residential units that would “result in an increase in the available housing units in downtown Los Angeles[;]” the availability of TORS units within the project is “not expected to adversely affect or degrade the neighborhood as these units would be a small percentage of the overall housing stock in the downtown area[;]” the project meets plan objectives by “adding new residential units to an area where high density residential is the expected use[;]” the project is consistent the plan objectives to meet the community’s existing and anticipated needs specifically “for residential uses[.]” (Forrest City (11/8/17) Attachment A, pp. 1, 11- 16[Exhibit D]).

residents[,]” promote the development of “neighborhood work/live housing[,]” and contribute to “housing and job opportunities.” (2009 DIR Approval, pp. 16-17).<sup>7</sup>

- The Project would be consistent with goals/objectives for the “preservation of existing housing and for the development of new housing[,]” provide for “adequate multi-family residential development[,]” ensure that “new housing opportunities minimize displacement of the existing residents[,]” and that the Project would contribute “to the growing demand for housing.” (2013 ZA Approval, pp. 25-27).<sup>8</sup>
- The Project would “provide much needed new homeownership opportunities” for the Community Plan area. (2009 VTT Approval, p. 25;<sup>9</sup> *see also* 2013 VTT Approval, p. 17).<sup>10</sup>
- The Project warrants relief from zoning limits otherwise required citing to the “Greater Downtown Housing Incentive” (Ordinance No. 179076 ).<sup>11</sup> (*See e.g.*, 2013 ZA Approval, pp. 22-23 25; 2008 IS/MM, p. 24).<sup>12</sup>

**PRIOR CLARIFICATION OF “Q” CONDITION:** In 2015, relying upon a CEQA exemption, the City granted a CLQ for the previously-listed “Q” Condition to allow gym uses on the ground-floor level (DCP Case No. DIR-2015-2510-CLQ) (“2015 CLQ Approval”) (attached hereto as Exhibit E). Under DCP guidelines for CLQs (“CLQ Guidelines”) (attached hereto as Exhibit F), a clarification is appropriate if the intent of a condition is “ambiguous.” Additionally, the applicant must (1) submit a land use application; (2) provide an environmental clearance; and (3) make necessary legal findings pursuant to LAMC § 12.32.H, which provides (emphasis added):

- a. The request is consistent with the City Planning Commission guidelines; and
- b. The amendment or clarification is necessary in order to carry out the intent of the City Council in adopting the T or Q Classification or D Limitation; and

<sup>7</sup> DCP Letter of Determination (07/24/09) DCP Case No. DIR-2008-2600-SPR, available at <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/NTk00TBiZTEtN2FiYy00YTdILWFjMTEtYjky%20MGUzYmZiZWY40>

<sup>8</sup> DCP Letter of Determination (07/30/13) Case No. ZA-2013-1013-MCUP-ZV-SPR, available at <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZDizY2Y4MmUtOTc2MS00ZTVlTgXyJmTzWF%20mM2UxNDg2NjU00>.

<sup>9</sup> DCP Letter of Determination (07/17/09) DCP Case No. VTT-70371-CN, available at <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/YTg10TU0ZTItNjNkOS00YzU3LWFhZDItZjcxOTU5NGU0OTcz0>

<sup>10</sup> DCP Letter of Determination (07/11/13) DCP Case No. VTT-70371-CN-M1, available at <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZDZlYmUxOWItMzI4YS00OTM4LWE1YzMtNWUzMDNkMTU0YTg10>.

<sup>11</sup> Due to the widely-known housing shortage, the City passed the ordinance to incentivize more housing production in the greater Downtown area. (*See generally* Ordinance No 179076 (08/13/07) CF No. 05-1173, available at [http://clkrep.lacity.org/onlinedocs/2005/05-1173\\_ord\\_179076.pdf](http://clkrep.lacity.org/onlinedocs/2005/05-1173_ord_179076.pdf); DCP Staff Report (06/07/05) DCP Case No. 2005-0361-CA, pp. 2-4 [stating the ordinance would further the General Plan Framework policy of encouraging housing production for “households of all income levels,” General Plan Housing Element goal “where housing production and preservation result in an adequate supply of ownership and rental housing affordable to people[,]” and Community Plan objectives/policies to provide housing that meet the needs of “existing residents and projected population”], available at [http://clkrep.lacity.org/onlinedocs/2005/05-1173\\_rpt\\_lacpc\\_6-7-05.pdf](http://clkrep.lacity.org/onlinedocs/2005/05-1173_rpt_lacpc_6-7-05.pdf)).

<sup>12</sup> IS/MM (05/13/09) DCP Case No. ENV-2008-2573-MND, available at <http://cityplanning.lacity.org/staffrpt/mnd/ENV-2008-2573.pdf>.

- c. The amendment or clarification would have only a minimal effect on adjacent property and would not result in a significant or substantial deprivation of the property rights of other property owners.

Presumably, Onni followed the procedural hurdles in 2015 by (1) submitting the application and (2) providing the appropriate CEQA clearance. (See 2015 CLQ Approval, p. 5).<sup>13</sup> Moreover, the City (3) made the legal findings as summarized (*id.* at 2-5, emphasis added):

- a. Gym use was allowed in the C4 Zone when the "Q" Condition was adopted (Ordinance No. 164307) but removed Citywide with the subsequent amendment to the C4 Zone (Ordinance No. 177103). While the "Q" Conditions intended to allow gym uses, that intent was "rendered ambiguous" by its reference to the now-amended C4 Zone, which justified the CLQ in accordance with CLQ Guidelines.
- b. Nor was it the intent of the City Council to prevent gym uses when it adopted the "Q" Condition because the condition "does not state that future amendments to the C4 Zone would automatically amend its conditions." If the City Council intended to prohibit gyms from the property, it would have adopted such language as part of the "Q" Condition (Ordinance No. 164307) or stated in the C4 Zone amendment (Ordinance No. 177103) that conditions referencing the C4 Zone would be subject to the new uses henceforth. Because it did not adopt such language, the City Council intended to allow gym uses, which justified the CLQ as necessary to carry out that intent.
- c. Allowing gym uses on the Property not only had a minimal effect on adjacent properties but would contribute to the area as a community amenity used by "local residents."

**COFO PERMIT APPROVAL:** According to DBS Clearance Summary Worksheet ("Clearance Worksheet") (attached hereto as Exhibit G), provided per a request made under the California Public Records Act ("CPRA"), Onni sought the TORS conversion sometime before April 18, 2017. (See Clearance Worksheet, p. 1).<sup>14</sup> DCP planner Charles Rausch cleared the "Q" Condition commenting that TORS was a "by right use" because Ordinance No. 164307 "intended to include Transient Occupancy Residential Use" citing his email to Onni's land use attorney on May 23, 2017. (*Id.* at 2). That email was not provided as part of the CPRA request and, according to DCP, the email is lost or otherwise irretrievable. DBS issued the Cofo Permit allowing the TORS use for 97 units on June 14, 2017. (See Permit, p. 1 [Exhibit A]).

#### IV. THE ISSUANCE OF THE COFO PERMIT WAS AN ERROR AND ABUSE OF DISCRETION

While planning agencies enjoy some discretion interpreting their zoning law – "deference has limits" – and courts are not bound by unreasonable interpretations. (*Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 156-57). Here, the City failed to follow procedural formalities for approving TORS conversion and, beyond a single isolated comment, has failed to make the required legal findings supported by substantial evidence. Nor is there a single CEQA document analyzing the Property's use as a TORS. Rather, Mr. Rausch unilaterally authorized the TORS conversion, which taints DBS's issuance of the Cofo Permit—ultimately constituting an error and abuse of discretion under the Code and CEQA.

<sup>13</sup> The CLQ was cleared under a categorical exemption (DCP Case No. ENV-2015-2511-CE), whether a categorical exemption is appropriate under CEQA is a determination appealable to City Council.

<sup>14</sup> The earliest clearance action recognized on the DBS Clearance Worksheet.

**A. AT MINIMUM, A TORS CONVERSION REQUIRES (1) SUBMISSION OF A LAND USE APPLICATION, (2) ADHERENCE TO PROCEDURE, AND (3) SPECIFIC LAND USE FINDINGS MADE BY THE CITY.**

A TORS conversion requires a CUP. Under the plain language of LAMC §§ 12.12 and 12.24.W.24(c), TORS is not a “by right” use in the R5 Zone. A CUP is explicitly required including (1) a permit application, (2) a public hearing before an initial decision-maker with appeals heard by a separate decision-making body, and (3) specific land use findings to be made. (See LAMC § 12.24.B-I). As previously discussed, DCP required a CUP for the Forrest City project, which is similarly-situated on a R5 Zone subject to the same “Q” Condition. (See Forest City Application [Exhibit D]). Because Onni failed to secure a CUP, DBS erred in issuing the Permit.

TORS use was never intended under the “Q” Condition. Under the plain language of the “Q” Condition, TORS are not explicitly allowed as a “by right” use. Nowhere does it state “uses similar” or “like” hotels, motels, and apartments hotels are permitted. Unlike Onni’s 2015 CLQ Approval (Exhibit F), the “Q” Condition is not ambiguous on TORS. Extended-stay hotels with kitchens (i.e., TORS) was “something otherwise not allowed” when the “Q” Condition was adopted in 1988 (Ordinance No. 164307). (DCP Staff Report, pp. 4-5 [Exhibit B]). TORS use would not be allowed until four years later when the designation was established with the passage of Ordinance No. 167689. Had the City Council intended to allow TORS use on the Property, it would have either adopted such language as part of the “Q” Condition (Ordinance No. 164307),<sup>15</sup> or stated when establishing TORS (Ordinance No. 167689) that “Q” Condition referencing hotels, motels, and apartment hotels as a permitted use shall be “automatically amended” to include TORS. Because the City Council did neither of these things, the City Council never intended TORS on properties subject to this “Q” Condition. Hence, Mr. Rausch’s unilateral interpretation to the contrary was an abuse of discretion,<sup>16</sup> which taints DBS’s issuance of the CoFO Permit.

At minimum, a CLQ was required. Assuming for argument sake there is ambiguity, any interpretation of the “Q” Condition should be processed via a CLQ and subject to procedural and substantive safeguards requiring: (1) an application, (2) an initial approval subject to appeals, and (3) mandatory legal findings. (See LAMC § 12.32.H; see also CLQ Guidelines [Exhibit F]). This was DCP/DBS practice in 2015 when Onni sought its CLQ for gym uses. Failure to require as much for Onni’s TORS conversion is an arbitrary and capricious disregard of procedural norms.

The “Q” Condition demands procedural and substantive safeguards. The “Q” Condition explicitly permits uses allowed on C4 Zones, such as TORS, in excess of 2:1 floor-area-ratio if (among other things): (1) a complete application is filed with the Community Redevelopment Agency and City Planning Commission; (2) a public hearing is given and subject the same approval/appeal procedures governing CUPs; and (3) legal findings are made that include how the project will not adversely impact existing, planned, or future housing development. Failure to observe these explicit safeguards amounts to a procedural error and abuse of discretion

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<sup>15</sup> In lieu of the existing language permitting “[h]otels, motels, and apartment hotels[,]” the City Council could have adopted language to include “similar uses” or “uses compatible” said uses.

<sup>16</sup> Appellants also challenge as an abuse of discretion any interpretation of the “Q” Condition that would allow conversion of more than 30 percent of the Property’s entitled condo units into a TORS use without further discretionary review and subject to some form of CEQA review (discussed below).

Here, there is a complete disregard for procedural/substantive norms. The record is devoid of any evidence of procedural formalities such as (1) a submitted application, (2) an approval subject to appellate review, or (3) legal findings made by the City. Moreover, on the merits of the TORS conversion, none of the legal findings could be made because it would:

- subvert the goals/objectives of applicable land use plans that promote housing development for South Park homeowners and renters, which was specifically relied upon during the 2009 DIR Approval and 2013 ZA Approval;
- adversely impact existing housing development by converting existing condos in an apartment building, and fails to provide a relocation assistance plan properly approved per LAMC § 12.24.W.24(c); and
- inconsistent with the City Council’s intent when (a) adopting the “Q” Condition in 1988 (Ordinance No. 164307); (b) creating the TORS designation in 1992 (Ordinance No. 167689); (c) adopting the Greater Downtown Housing Incentive in 2007 (Ordinance No. 179076); and (d) considering the approval of the SRO Ordinance (Exhibit C).

In short, Mr. Rausch’s interpretation conflicts with the framework provided under the law, inconsistent with the City Council’s intent, and deviates from the City’s past practices for similarly-situated properties. That interpretation taints DBS’s issuance of the CofO Permit, which must be cured as a procedural error and substantive abuse of discretion under the Code.

**B. IMPROPER TORS USE VIOLATES THE PLAIN LANGUAGE OF THE CONDITIONS OF APPROVALS AND LAND USE FINDINGS APPLICABLE TO ONNI’S ENTITLEMENTS.**

As explained above, the Property was not properly rezoned under the Code. Therefore, operating the Property as a TORS violates the conditions of approval imposed by the City when it granted Onni its Project entitlements, which DBS may cure by taking any authorized remedial actions including (a) imposition of fines, (b) revocation of entitlements, or (c) imposition of new conditions after holding a public hearing.

Under the Code and pursuant to Onni’s entitlements, Onni is required to comply with the conditions of approval “upon utilization of any portion of the privilege,” subject to the same penalties as any other violation of the Code, including civil penalties up to \$2,500 each and every day the violation of a condition continues. (See e.g., LAMC §§ 11.00, 12.29; 2009 DIR Approval, p. 20; 2013 ZA Approval, p. 12). As previously discussed, Onni’s Project was approved as a housing project with DCP citing how it would help South Park homeowners and renters — not TORS/hotel patrons. As such, the City granted the various entitlements subject to conditions requiring the Property to be used as a residential condo/apartment — not a TORS or extended-stay hotel — for example:

- The Property “shall be limited to 283 dwelling units” and “shall be in substantial conformance” with plans stating the building to be used for “283 Dwelling Units” (2009 DIR Approval, p. 2 and Exh. A page 1 of 13 [Condition 1 and 2]);<sup>17</sup>
- The Property shall be limited to “a maximum of 303 residential condominiums and 7 commercial condominiums” (2013 VTT Approval, p. 7 [Condition 15a]);<sup>18</sup> and

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<sup>17</sup> *Supra* fn 8.

<sup>18</sup> *Supra* fn 11.

- The Property “shall be in substantial conformance” with plans stating the building to be used for “residential apartments” (2013 ZA Approval, p. 2 and Exh. A page 2 of 29 [Condition 2]).<sup>19</sup>

Here, it would seem the City could impose a \$2,500 fine every day after Onni improperly acquired the CofO Permit on June 14, 2017 — \$657,500 fine and counting. Alternatively, pursuant to LAMC § 12.27.1, the City could institute an administrative nuisance abatement proceedings, which allows for the revocation of Onni’s entitlements. Alternatively, the conditions of approval explicitly allow DCP to have Onni file a “plan approval application” with “associated fees” and “supporting documentation” showing compliance with said conditions and “impose additional corrective Conditions,” after holding a public hearing. (2013 ZA Approval, pp. 2-3 [Condition 3, 8, 9]; see also 2008 DIR Approval, p. 14 [Condition 27]).

None of these remedies appear to be mutually exclusive. Under LAMC §§ 98.0403.1 and 12.26, DBS has broad authority and duty to enforce all zoning laws/ordinances related to the use of buildings in the City. Appellants respectfully urge DBS to (1) immediately revoke the CofO for TORS use, (2) call for a public hearing to investigate the issues discussed herein, and (3) explore other remedial actions to ensure the Property is used as permitted—a housing project, not an extended-stay hotel.

#### C. FALSE STATEMENTS ABOUT ONNI’S INTENT TO USE PROPERTY AS AN EXTENDED-STAY HOTEL.

Appellants have already requested DCP to investigate whether Onni’s Property has been operating as an unpermitted extended-stay hotel on November 8, 2016 (attached hereto as Exhibit H). Therein, it shows that Onni (1) started paying Transient Occupancy Taxes (i.e., hotel taxes) on June 1, 2015, before the CLQ was approved on August 3, 2015 during construction; and (2) started advertising as a short-term hotel rentals since at least July 2015 (attached hereto Exhibit I),<sup>20</sup> before Onni received its invalid CofO Permit on June 6, 2017. This timeline of events suggests Onni intended to use the Property as a TORS before the building was constructed, which was not disclosed according to the 2015 CLQ Approval (Exhibit E). Under LAMC §§ 91.103.4 and 91.106.4.4.2, it is unlawful for an applicant to make “false statements” to the City or fail to “disclose a material fact.” To date, Appellants are unaware of what actions DCP has taken in connection with its request to investigate this matter. Thus, Appellants request DBS to investigate this matter as part of this Appeal.

#### D. DBS ERRED WHEN AUTHORIZING TORS CONVERSION WITHOUT ANY CEQA ANALYSIS.

The TORS use has never been analyzed under CEQA and requires full consideration and mitigation under a properly prepared EIR. CEQA has a strong presumption favoring the preparation of an EIR, especially when substantial evidence establishes a “fair argument” that a project may have a significant effect on the environment. (See *Laurel Heights Improvement Ass’n v. Regents of the Univ. of Cal.* (1993) 6 Cal.4<sup>th</sup> 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75). Substantial evidence includes facts, reasonable assumptions, and expert opinions supported by facts. (See Pub. Res. Code §§ 21080(e), 21082.2(c) and 14 Cal. Code Regs. (“CEQA Guidelines”) §§ 15064(f)(5), 15384).

<sup>19</sup> *Supra* fn 9.

<sup>20</sup> See e.g., Heidi Kulicke (07/7/15) Check Out Downtown's \$200 Million Corporate Housing Tower, *DT New*, available at [http://www.ladowntownnews.com/news/check-out-downtown-s-million-corporate-housing-tower/article\\_bfc4091e-20f2-11e5-8131-0fb8f180bc73.html](http://www.ladowntownnews.com/news/check-out-downtown-s-million-corporate-housing-tower/article_bfc4091e-20f2-11e5-8131-0fb8f180bc73.html); Level Furnished Living (07/29/15) Web Archive (courtesy of Wayback Machine), available at <https://web.archive.org/web/20150729160315/http://stayinglevel.com:80/los-angeles/>.

The fair argument standard is a “low threshold” where lead agencies must prepare an EIR whenever there is a reasonable probability or inferences that a project may cause significant effects on the environment—regardless of other evidence in the record or even if the project is beneficial. (*See e.g., No Oil, Inc*, 13 Cal.3d at 83-84; *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4<sup>th</sup> 768, 776; *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002; *see also* Pub. Res. Code §§ 21100, 21151; CEQA Guidelines §§ 15063(b)(1), 15384(a)).

Here, as previously discussed, the TORS conversion conflicts with the applicable land use plans, which is a recognized CEQA impact. (*See e.g.,* CEQA Guidelines § 15125(d); *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4<sup>th</sup> 1552, 1566; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4<sup>th</sup> 859, 881). Therefore, at minimum, a CEQA document was required showing how the TORS conversion was “incompatible” with the “goals and policies” previously mentioned. (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342, 378-79; *see also Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4<sup>th</sup> 903 [holding under CEQA that a significant impact exists where project conflicts with local land use policies]; *Friends of “B” Street*, 106 Cal.App.3d at 998 [held county development and infrastructure improvements must be consistent with adopted general plans] [citing Gov. Code § 65302]).

Additionally, according to the DCP/DBS Inter-Departmental Correspondence dated May 6, 2013 (“DCP/DBS Memo”)(attached hereto as Exhibit J), the Project’s operational traffic impacts were analyzed under the MND and addendum according to the Property’s then-proposed condominium use. (*See generally* DCP/DBS Memo). According to the Institute of Transportation Engineers (“ITE”) trip generation rates (attached hereto as Exhibit k), residential-condos generate 0.52 trips per unit, while uses similar to TORS (i.e., hotels and apartments) generate up to 0.62 trips per unit. Therefore, there is a reasonable probability that the TORS conversion will generate roughly 20 percent additional traffic trips for each of the 97 converted units. This would be in addition to the loss of any internal trip credits or reductions claimed in the previous traffic analysis. Furthermore, because traffic trips constitute a significant portion of a project’s air and GHG emissions, there is a reasonable probability that the increase traffic trips will cause a significant impact on air quality and climate change.

Thus, there is a reasonable probability the TORS conversion will cause significant CEQA impacts (e.g., land use, traffic, air quality, GHG). This establishes a fair argument an EIR was required before DBS could issue the CoFO Permit and failure to do so was an error under CEQA.

#### **E. IMPROPER PROJECT PIECEMEALING UNDER CEQA.**

The Property as used today has never been entirely reviewed under a single CEQA document due to improper project piecemealing. CEQA prohibits project piecemealing by requiring lead agencies to assess “the whole of an action” and all reasonably foreseeable phases of a project. (CEQA Guidelines § 15378; *see also City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454). A public agency may not segment a large project into two or more smaller projects to mask serious environmental consequences. (*Id.*, *see also San Joaquin Raptor/Wildlife Rescue Center v. Cnty. of Stanislaus* (1994) 27 Cal.App.4<sup>th</sup> 713, 730 [held use of “truncated project concept” violated CEQA where EIR was otherwise adequate]; *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283-84 [CEQA mandates “that environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment - which cumulatively may have disastrous consequences.”]).

CEQA also requires additional documentation, such as an addendum to a MND, if changes in a project or new information show any new significant environmental effects or increase the severity of environmental effects identified in prior CEQA document. (See e.g., Pub. Res. Code § 21166; CEQA Guidelines § 15162). Numerous courts have required supplemental CEQA review where a CEQA document failed to analyze significant changes in a project, where there are previously unanalyzed or increased significant impacts, or where there is a failure to carry out previously required mitigation measures. (See e.g., *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association* (1986) 42 Cal.3d 929, 934 [public entity violated CEQA when it failed to prepare a SEIR for significant project changes and new information]; *Lincoln Place Tenants Association v. City of Los Angeles* (2005) 130 Cal.App.4th 1491 [city failed to prepare and circulate a SEIR when it did not require compliance with adopted mitigation measures]; *Mani Brothers v. City of Los Angeles* (2007) 153 Cal.App.4th 1385, 1405 [reversing agency and holding that original EIR failed to adequately analyze public safety impacts, even where building footprint unchanged and 390-page addendum prepared]; *Ventura Foothill Neighbors v. County of Ventura* (2014) 232 Cal.App.4th 429 [increase in height from 75 feet to 90 feet affected substantial changes in the project requiring major revisions in the EIR]).

Here, it is hard to avoid the conclusion that piecemealing is occurring with the Onni Project. As previously discussed, Onni first sought a SPR for 283 residential-condo units in 2009; then multiple entitlements (e.g., SPR, MCUP, ZV) for 310 condo units in 2013; the CLQ to allow gym uses in 2015; and most recently TORS use via a CoFo Permit in 2017. However, unlike those previous approvals, no CEQA documents were submitted in connection with the TORS conversion. At minimum, Onni was required to prepare an addendum to the MND to study traffic impacts, just as it did before the 2013 ZA Approval permitting the addition of 27 condo units. The failure to require a similar addendum for the change of use for 97 condo units was an error and abuse of discretion under CEQA.

#### F. DBS'S ACTION WAS DISCRETIONARY AND SUBJECT TO CEQA

The issuance of the CoFo Permit was by no way a ministerial project under CEQA because of the significant amount of discretion vested in and exercised by DBS/DCP. Under CEQA Guidelines § 15369 (emphasis added), "ministerial" is defined as "a governmental decision involving little or no personal judgment by the public official" where "the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out." California courts have determined that the key inquiry into whether an action is ministerial or discretionary is "whether the approval process involved allows the government to shape the project in any way which could respond to any of the concerns which might be identified in an environmental impact report." (*Friends of Westwood v. City of Los Angeles* (1987) 191 Cal.App.3d 259, 266-67 [held that an act is considered ministerial "only when a private party can legally compel approval without any changes in the design of its project ... where public employees had no discretion whatsoever and instead had a legal duty to do something and to do it only one way."]). In *Friends of Westwood*, the court further clarified a permit is discretionary if a city "possessed the power to require another form of approval — in addition to the building permit — which could have been denied or conditioned on the basis of the EIR, but chose not to." (*Id.* at 273, emphasis added). It is also ultimately discretionary for a city to draw an imaginary line to intentionally stay within the building permit approval process that "the city characterizes as 'ministerial,' ... to avoid approval processes which would have required compliance with CEQA." (*Id.* at 276, emphasis added).

Here, as previously discussed, Mr. Rausch's interpretation of the "Q" Condition was the product of his personal and subjective judgment. DCP/DBS had the power to require Onni to seek a CUP, CLQ, or the approval process described in the "Q" Condition that permits C4 uses — all of which required CEQA review. Hence, even if the City characterizes the issuance of the CofO Permit as a ministerial clearance, it was a discretionary action under CEQA. Absent some form of environmental review, DBS's issuance of the CofO Permit was an error and abuse of discretion under CEQA.

## V. REMEDY

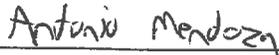
DCP erred and abused its discretion under the Code and CEQA when clearing the "Q" Condition, which taints DBS's issuance of the CofO Permit allowing the TORS conversion. DBS has broad authority to take remedial action pursuant to the Code, Onni's entitlements, and the applicable "Q" Condition. For the reasons discussed herein, Appellants respectfully request that DBS (1) immediately revoke the CofO, (2) call for a public hearing to investigate Onni's actions, and (3) take all necessary steps to ensure the Property is used as currently permitted—a housing project, not an extended-stay hotel with kitchens.

Finally, this Appeal is made to exhaust remedies under Pub. Res. Code § 21177 concerning Onni's TORS conversion of the Property, and incorporates by this reference all written and oral comments submitted on the Project by any commenting party. (See *Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875). Appellants reserve the right to supplement the comments in this Appeal at future hearings and proceedings for this Appeal. (See *Cmtys. for a Better Env't v. City of Richmond* (2010) 184 Cal.App.4th 70, 86 [EIR invalidated based on comments submitted after Final EIR completed]; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 [CEQA litigation not limited only to claims made during EIR comment period]).

Thank you for consideration of this Appeal.

Sincerely,

BY:   
Charlie Carnow

BY:   
Antonio Mendoza

ATTM: Exhibit A: Permit No. 17016-10000-04924 (06/14/17)  
Exhibit B: DCP Staff Report (01/11/18) CF 14-1635-S2-S3  
Exhibit C: SRO Ordinance (04/15/16) DCP Case No. CPC-2016-1243-CA  
Exhibit D: Forest City (11/08/17) excerpts of Project Application Packet  
Exhibit E: 2015 CLQ Approval (08/03/15) DIR-2015-2510-CLQ  
Exhibit F: CLQ Guidelines (07/31/00) Amendment to Council "T" Instructions & "Q" or "D" Clarification  
Exhibit G: DBS Clearance Worksheet (12/19/17)  
Exhibit H: Appellants DCP Request to Investigate (11/08/17)  
Exhibit I: Onni Publicity and Website (07/2015)  
Exhibit J: DCP/DBS Memo (05/06/13) Revised Traffic Study  
Exhibit K: ITE (9th Ed.) Common Trip Generation Rates

# **EXHIBIT A**



Bldg-Alter/Repair Commercial Regular Plan Check Plan Check	City of Los Angeles - Department of Building and Safety <b>APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY</b>	Issued on: 06/14/2017 Last Status: Issued Status Date: 06/14/2017
---	--	---

1. TRACT	BLOCK	LOT#	ARB	COUNTY MAP REF #	PARCEL ID # (PIN #)	2. ASSESSOR PARCEL #
FORTHMANN AND BERGIN TR		2	2	M R 83-90	127-SA209 127	5144 - 018 - 051

<b>3. PARCEL INFORMATION</b> Area Planning Commission - Central LADBS Branch Office - LA Council District - 14 Certified Neighborhood Council - Downtown Los Angeles Community Plan Area - Central City	Census Tract - 2077.10 District Map - 127-5A209 Energy Zone - 9 Fire District - 1 (Entire parcel) Methane Hazard Site - Methane Zone	Near Source Zone Distance - .5 Parking Dist - CCPD Parking Dist - DPD Thomas Brothers Map Grid - 634-E5
--	--	--

ZONES(S): [Q]R5-4D

<b>4. DOCUMENTS</b>		
ZI - ZI-2374 LOS ANGELES STATE ENTER ORD - ORD-129944 ZI - ZI-2385 Greater Downtown Housing Ince ORD - ORD-135901 ZI - ZI-2452 Transit Priority Area in the Cit ORD - ORD-137036 ZA - ZA-2013-1013-MCUP-ZV-SPR ORD - ORD-164307-SA2025	DTRM - DIR-2008-2600-SPR DTRM - DIR-2015-2510-CLQ CRA - ZI 2316 CITY CENTER REDEV PRJ CPC - CPC-2005-1124-CA CPC - CPC-1986-606-GPC	CPC - CPC-1994-225-CPU-ZC CPC - CPC-2005-1122-CA CPC - CPC-2005-1124-CA CPC - CPC-2005-361-CA

<b>5. CHECKLIST ITEMS</b>
Permit Flag - Fire Life Safety Clearance Req'd

<b>6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION</b>
Owner(s): ONNI 888 OLIVE STREET LIMITED PARTNERSHIP 2200 CAMELBACK RD STE 225, PHOENIX AZ 85016 -- Tenant:  Applicant: (Relationship: Agent for Owner) MARK SPECTOR - 315 W 9TH ST STE 801, LOS ANGELES, CA 90014 -- (0) -

For Cashier's Use Only W/O #: 71604924

<b>7. EXISTING USE</b>	<b>PROPOSED USE</b>
(05) Apartment	

<b>8. DESCRIPTION OF WORK</b>
CHANGE OF USE FOR PORTION OF (E) APARTMENT BUILDING TO TRANSIENT OCCUPANCY RESIDENTIAL STRUCTURE AT LEVEL 5-12 AND 28 FOR 97 UNITS. NO CONSTRUCTION OR CHANGE IN UNIT LAYOUT. (5) H/C RESTROOM UPGRADE.

9. # Bldgs on Site & Use:

<b>10. APPLICATION PROCESSING INFORMATION</b>	
BLDG. PC By: Joe Vo	DAS PC By: Eddie Garin
OK for Cashier: Matthew Campbell	Coord. OK:
Signature:	Date: 06/14/2017

<b>11. PROJECT VALUATION</b> <small>Final Fee Period</small>	
Permit Valuation: \$301	PC Valuation:
Sewer Cap ID:	Total Bond(s) Due:

<b>12. ATTACHMENTS</b>
Plot Plan

For inspection requests, call toll-free (888) LA4BUILD (524-2845). Outside LA County, call (213) 482-0000 or request inspections via [www.ladbs.org](http://www.ladbs.org). To speak to a Call Center agent, call 311. Outside LA County, call (213) 473-3231.

LA M CA 101103233 6/14/2017 4:00:19 PM	
BUILDING PERMIT COMM	\$146.25
BUILDING PLAN CHECK	\$65.81
BUILDING PLAN CHECK	\$240.91
BUILDING PLAN CHECK	\$416.00
PLAN MAINTENANCE	\$10.00
EI COMMERCIAL	\$0.50
DEV SERV CENTER SURCH	\$26.38
SYSTEMS DEVT FEE	\$52.77
CITY PLANNING SURCH	\$52.74
MISCELLANEOUS	\$10.00
PLANNING GEN PLAN MAINT SURCH	\$43.95
ARTS DEV FEE	\$0.00
MISCELLANEOUS	\$3.01
CA BLDG STD COMMISSION SURCHARGE	\$1.00
BUILDING PLAN CHECK	\$0.00

Sub Total: \$1,069.32

Permit #: 170161000004924  
Building Card #: 20171884208  
Receipt #: 0101749116



\* P 1 7 0 1 6 1 0 0 0 0 4 9 2 4 F N \*

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**13. STRUCTURE INVENTORY**

(Note: Numeric measurement data in the format "number / number" implies "change in numeric value / total resulting numeric value").

17Q16 - 10000 - 04924

(P) Floor Area (ZC): 0 Sqft / Sqft  
 (P) Height (ZC): 0 Feet / Feet  
 (P) Length: 0 Feet / Feet  
 (P) Stories: 0 Stories / Stories  
 (P) Width: 0 Feet / Feet  
 (P) Dwelling Unit: 0 Units / Units  
 (P) R1 Occ. Group: +78422 Sqft / 78422 Sqft  
 (P) R2 Occ. Group: -78422 Sqft / Sqft  
 (P) Parking Req'd for Bldg (Auto+Bicycle): 0 Stalls / Stall

**14. APPLICATION COMMENTS:**

In the event that any box (i.e. 1-16) is filled to capacity, it is possible that additional information has been captured electronically and could not be printed due to space restrictions. Nevertheless the information printed exceeds that required by section 19825 of the Health and Safety Code of the State of California

**15. BUILDING RELOCATED FROM:****16. CONTRACTOR, ARCHITECT & ENGINEER NAME****ADDRESS****CLASS****LICENSE #****PHONE #**

(A) CUTRI, ANTHONY GABRIEL

402 WEST BROADWAY SUITE 2600, MARTIN SAN DIEGO, CA 92101

CLASS

C11116

PHONE #

(C) ONNI CONTRACTING (CALIFORNIA) INC

315 WEST 9TH STREET #801,

LOS ANGELES, CA 90015

B

976929

**PERMIT EXPIRATION/REFUNDS:** This permit expires two years after the date of the permit issuance. This permit will also expire if no construction work is performed for a continuous period of 180 days (Sec. 98.0602 LAMC). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by LADBS (Sec. 22.12 & 22.13 LAMC). The permittee may be entitled to reimbursement of permit fees if the Department fails to conduct an inspection within 60 days of receiving a request for final inspection (HS 17951).

**17. LICENSED CONTRACTOR'S DECLARATION**

I hereby affirm under penalty of perjury that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect. The following applies to B contractors only; I understand the limitations of Section 7057 of the Business and Professions Code related to my ability to take prime contracts or subcontracts involving specialty trades.

License Class: B License No. 976929 Contractor: ONNI CONTRACTING (CALIFORNIA) INC

**18. WORKERS' COMPENSATION DECLARATION**

I hereby affirm, under penalty of perjury, one of the following declarations:

- I have and will maintain a certificate of consent to self insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: TBDPolicy Number: WWCJ138349

- I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

**WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.**

**19. ASBESTOS REMOVAL DECLARATION / LEAD HAZARD WARNING**

I certify that notification of asbestos removal is either not applicable or has been submitted to the AQMD or EPA as per section 19827.5 of the Health and Safety Code. Information is available at (909) 396-2336 and the notification form at [www.aqmd.gov](http://www.aqmd.gov). Lead safe construction practices are required when doing repairs that disturb paint in pre-1978 buildings due to the presence of lead per section 6716 and 6717 of the Labor Code. Information is available at Health Services for L.A. County at (800) 524-5323 or the State of California at (800) 597-5323 or [www.dhs.ca.gov/childlead](http://www.dhs.ca.gov/childlead)

**20. CONSTRUCTION LENDING AGENCY DECLARATION**

I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civil Code).

Lender's Name (If Any): \_\_\_\_\_ Lender's Address: \_\_\_\_\_

**21. FINAL DECLARATION**

I certify that I have read this application **INCLUDING THE ABOVE DECLARATIONS** and state that the above information **INCLUDING THE ABOVE DECLARATIONS** is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City of Los Angeles nor any board, department officer, or employee thereof, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury, that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91.0106.4.3.4 LAMC).

By signing below, I certify that:

- (1) I accept all the declarations above namely the Licensed Contractor's Declaration, Workers' Compensation Declaration, Asbestos Removal Declaration / Lead Hazard Warning, Construction Lending Agency Declaration, and Final Declaration; and
- (2) This permit is being obtained with the consent of the legal owner of the property.

Print Name: KAYTIE LEESign: Date: 06/14/2017

Contractor



Authorized Agent

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Bldg-Alter/Repair  
Commercial  
Plan Check

City of Los Angeles - Department of Building and Safety

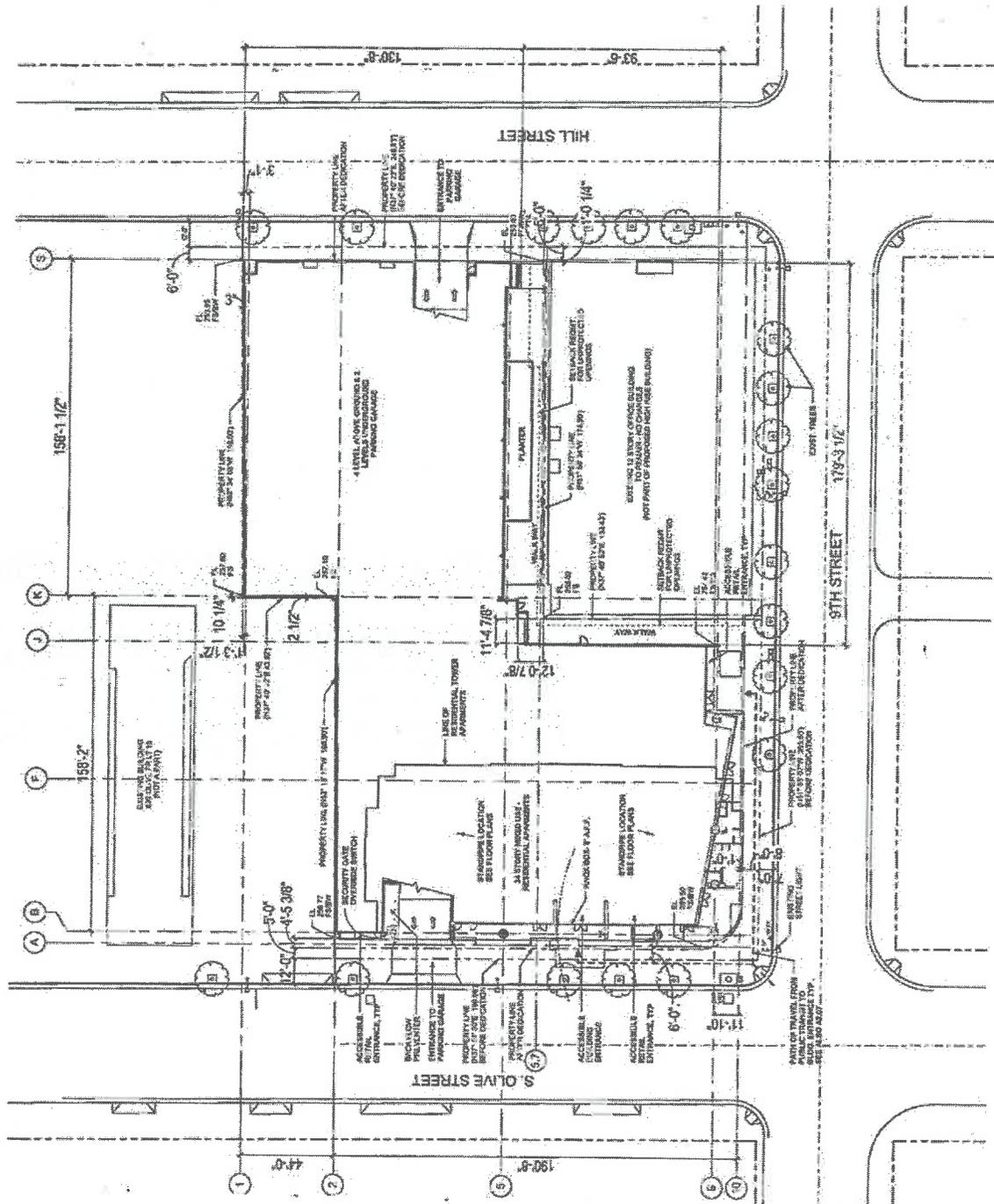
Plan Check #: B17LA03214FO

Initiating Office: METRO

Printed on: 04/06/17 08:19:11

# PLOT PLAN ATTACHMENT

(DO NOT DRAW, WRITE, OR PASTE ATTACHMENTS OUTSIDE BORDER)



**ORIGINAL**

READY TO ISSUE  
BY 10:10  
JUN 13 2017

*Signature*

# **EXHIBIT B**

DEPARTMENT OF  
CITY PLANNING  
CITY PLANNING COMMISSION

DAVID H. J. AMBROZ  
PRESIDENT

RENEE DAKE WILSON  
VICE-PRESIDENT

CAROLINE CHOE  
VAHID KHORSAND  
JOHN W. MACK  
SAMANTHA MILLMAN  
MARC MITCHELL  
VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN

ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

EXECUTIVE OFFICES  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

<http://planning.lacity.org>

January 11, 2018

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

Attention: PLUM Committee

Dear Honorable Members:

**SECOND SUPPLEMENTAL REPORT BACK RELATIVE TO PROPOSED HOME-SHARING  
ORDINANCE (COUNCIL FILES 14-1635-S2, 14-1635-S3)**

On October 24, 2017, the Committee considered the proposed Home-Sharing Ordinance (HSO) for the second time. During the discussion, the PLUM Committee continued the matter and instructed the Department of City Planning (DCP), in consultation with the Office of the City Attorney and the City Administrative Officer, to report back on the following additional policy considerations:

- 1) Options or mechanisms to allow short-term rentals in properties beyond the proposed cap in either the current ordinance; or, a companion ordinance which may deal with vacation rentals and/or corporate housing;
- 2) The maximum legally justified fines for non-compliance or violations of a short-term rental ordinance by platforms or hosts;
- 3) Options for splitting the revenues from TOT collected for short-term rentals to be deposited in the General Fund and/or the Affordable Housing Trust Fund;
- 4) Options for a cap on the number of days that short-term rentals are allowed based on the break-even point for when short-term rentals are more lucrative than long-term rentals, including analysis of best practices from other jurisdictions;
- 5) Options for a companion ordinance that would expand and update the process which allows for corporate housing in non-primary residences;
- 6) Options for establishing a Standardized Platform Agreement for those who provide the service of connecting guests with hosts including:
  - a) mechanism to memorialize the agreement with platforms;
  - b) the legal authority; and
  - c) allowing for recovery for administrative and enforcement costs through fees.

ORIGINAL

- 7) Establishing an opt-out provision for landlords to exclude their properties from participating in home-sharing;
- 8) The implications of removing the proposed annual cap on home-sharing activity in a primary residence;
- 9) The possibility of requiring applicants to self-certify primary residency under penalty of perjury, with consideration of:
  - a) Easing the burden of upfront administration staffing and costs;
  - b) For investigation or verification, whether the City could require that supporting documentation be furnished upon demand at any time; and
  - c) Attaching large and escalating penalties and fines;
- 10) To conduct or carry out a Fee Study for a \$4 per day surcharge (pass-through to guests) for listings on all platforms, with the intent of reducing the per square foot amount of the proposed Linkage Fee.

The Department's response to each of the ten items is detailed below.

1. Options or mechanisms to allow short-term rentals in properties beyond the proposed cap in either the current ordinance; or, a companion ordinance which may deal with vacation rentals and/or corporate housing;

There are a number of policy options if the City Council is interested in modifying the proposed 180-day per year cap on short-term rentals. Please see response to question five for suggestions about vacation and/or corporate housing.

Option A. Retain or lower the cap but allow qualified hosts to exceed the cap through a discretionary review process

If the City Council wanted to allow hosts to exceed the cap, a discretionary process could be established for this purpose. This would allow for a more detailed case-by-case approach to ensure properties with intensified short-term rental activity are operated by responsible hosts in safe and habitable spaces.

One potential approach could allow short-term rentals beyond the cap through a Conditional Use Permit (CUP) if certain conditions are met, including:

- a) A neighbor notification/input process;
- b) Increased accountability for any nuisance behavior (e.g. two "strikes" (code violations) to lose registration, versus three for everyone else); and
- c) Standard CUP findings on compatibility and adverse impact.

This discretionary option would allow for a more careful case-by-case approach but would also result in a significant administrative burden for staff and applicants. There are 3,900 Airbnb listings that exceeded 180 days of short-term rental activity last year alone. Even if a minority of these current listings chose to apply for a CUP under these potential rules, it would create a significant burden on Planning staff and require additional staff positions and/or resources to process the applications. In addition, this option allows for significant financial incentives for short-term rental hosts without any additional protections for existing housing stock. For these reasons, the Department had not recommended this approach.

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Option B. Retain or lower the cap but allow for exceptions based on policy priorities

A second option could allow for select hosts to exceed the cap based on type of listing.

*Exempt Hosted Listings*

Many cities with nightly short-term rental caps allow for unlimited stays when a host is present in the residence (i.e. "hosted" stays). Hosted activity protects the housing stock, ensures residential use is maintained and limits nuisance behavior by guests. This option would allow hosted stays to exceed the cap.

Unfortunately, it has proven difficult for any city to be able to verify whether each guest stay is hosted on a nightly basis. The City could require self-certification under the penalty of perjury and accept the use of complaints and proxy IT data to enforce violations, but enforcement would continue to be an issue of concern.

*Exempt Shared Spaces or Private Rooms*

Alternatively, the City could consider exemptions from the cap for shared spaces or private rooms only (not entire homes). This approach, however, also has its challenges from an enforcement perspective. While most platforms describe shared spaces separately (as self-reported by hosts), not all may make this information transparent. Another concern with this approach is that certain spaces may not neatly fit into the intended categories. For example, attached units are sometimes described as an entire home and many entire home listings are backyard detached spaces rather than separate units. For enforcement reasons, the Department had not recommended this approach.

While other policy options such as exemptions using a geographic-based approach or financial hardship were considered, ultimately the challenges with implementing these options would be considerable. Planning staff recommends that the cap remain at the Citywide level.

2. The maximum legally justified fines for non-compliance or violations of a short-term rental ordinance by platforms or hosts.

The proposed ordinance creates new fines for property owners, hosts and hosting platforms in LAMC 12.22 A.31 (g). The proposed fines on hosts and property owners are \$500, or two times the nightly rate (whichever is greater) for listing unregistered properties for rent, and \$2,000 per day for each day a unit is rented in excess of the 180 day cap. Platforms are subject to fines of \$1,000 per illegal listing, for refusal to provide information on property address and usage to the City.

Other cities have a range of fines for hosts and platforms. Miami Beach is believed to have the highest fines in the United States: \$20,000 against hosts with illegal short-term rentals. New York City has fines of up to \$7,500 against illegal hosts, but most cities have much lower fines ranging from \$250 to \$1,000.

3. Options for splitting the revenues from TOT collected for short term rentals to be deposited in the General Fund and/or the Affordable Housing Trust Fund (with CAO).

The proposed ordinance allocates 90 percent of the TOT collected from home-sharing to the Affordable Housing Trust Fund and ten percent for administration and enforcement. Alternatively, Council could decide to allocate all of the TOT revenue from short-term rentals to the General Fund and fund affordable housing and home-sharing registration and enforcement activities through separate budget allocations. Another option would be to retain all of the TOT from short

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term rentals for either affordable housing and/or the general fund and establish an administrative fee on all hosts to cover the City's administrative and enforcement costs. This idea of an administrative fee or surcharge is discussed in more detail in item ten, below.

- Options for a cap on the number of days that short-term rentals are allowed based on the break-even point for when short-term rentals are more lucrative than long-term rentals, including analysis of best practices from other jurisdictions.

The October 19, 2017 DCP report discussed the "break-even point" for when short-term rentals become more lucrative than long-term rentals. It presented two studies by parties on either side of the issue (Los Angeles Alliance for a New Economy (LAANE) and Airbnb). The two studies used different methodologies to find a wide variation in the Citywide average break-even point - 83 to 177 days, while individual neighborhoods in Los Angeles ranged from 51 to 321 days (LAANE and Airbnb respectively).

The main difference in the studies is that the LAANE figures are based on median rent levels being paid by existing tenants, while the Airbnb study used asking rents for prospective tenants. Both have relevance in different situations, with the LAANE study addressing concerns about the pressure to evict existing tenants. The Airbnb methodology is based on the assumption that the decision to go short-term rental is only made once a unit is available. In reality, both instances occur; therefore, the appropriate break-even point depends on whether one wishes to take a more conservative approach to protect existing renters

Assuming the more permissive methodology in the Airbnb study the current 180-day cap is near the citywide average break-even point. The initial DCP recommendation of 90 days was a more conservative recommendation intended to minimize any impact on existing housing. A cap of 120 days would strike a midpoint, while a cap greater than 180 days would not be recommended.

Other cities with short-term rental regulations have developed various approaches to nightly caps.

- New York City and Santa Monica - Zero days on unhosted stays (where the host is not present)
- Washington, D.C. - 15 days in entire home listings
- New Orleans - 90 day cap on unhosted stays
- San Francisco - 90 day cap on unhosted stays
- Sacramento - 90 days if not a primary residence
- Portland - 95 days on unhosted stays
- San Jose - 180 days if an entire home listing
- Philadelphia - 180 days, or up to 90 days without permit

- Options for a companion ordinance that would expand and update the process which allows for corporate housing in non-primary residences.

In order to consider potential options to allow for short-term corporate housing rentals in non-primary residences it is important to first acknowledge the extent to which the current zoning code allows for this activity. In multi-unit buildings, the *Transient Occupancy Residential Structure (TORS)* designation allows for partial or total short-term rental use in high-density zones (R4, R5 and C) through a Conditional Use Permit (CUP) approved by a Zoning Administrator.

The TORS designation was established in the early 1990s to allow for extended-stay hotels to include kitchens in the guest rooms, something otherwise not allowed. It is used today for corporate rental buildings providing a mix of short- and medium/long-term rentals (in high density zones through a CUP). The concern is that the TORS definition is broad enough to permit the

whole or partial conversion of existing apartment buildings currently providing important long-term housing to short-term rentals, which was not the original intent in creating the TORS use. In line with the direction in the original City Council Motion to preserve rental housing stock, the proposed ordinance would disallow the conversion of existing residential buildings to a TORS while preserving the opportunity for new buildings to request a TORS designation.

There are several options should the City Council choose to allow for short-term corporate rentals.

Option A - Require Conditions and Standards to Allow Transient Occupancy Residential Structure (TORS) Conversions

Instead of preventing TORS conversions altogether, as currently proposed, one option would be to require additional standards and conditions in order to limit the potential negative impacts. This option would allow certain apartments in high-density areas to continue to convert to extended-stay hotels and corporate rentals, but would not allow TORS in new construction. Applicants for TORS conversions must obtain a Certificate of Occupancy, Business Tax Registration Certificate (as needed) and Transient Occupancy Registration Certificate, as well as meet the following requirements:

- a) Transient leases may not be offered or leased for fewer than a set number of consecutive days;
- b) No more than 180 days of short-term rental may be provided per year in each unit;
- c) To the extent possible, long-term and short-term tenants should be grouped together on the same floor or section of a building;
- d) No changes may be made which would alter the residential character or appearance of the dwelling unit or property in any manner which precludes its residential use; and
- e) Building is not subject to the Rent Stabilization Ordinance (RSO).

Option B - Add Conditions and Standards to New Construction TORS Projects

Maintain the proposed amendments to LAMC 12.24 W.24 that would not allow TORS conversions, but add some or all of the first three additional conditions and standards described in Option A above to the TORS CUP process for new construction to the existing TORS ordinance.

Option C - Continue to Allow Existing TORS Conversion Process

Reversing the proposed amendments to LAMC 12.24 W.24 would continue to allow TORS conversions in the same method as today. This would essentially allow any apartment building in the R4, R5 or C zones to convert either some or all of the units to short-term rentals.

Due to the degree that the topic of allowing non-primary residences to be used as vacation rentals ventures outside of the currently proposed home-sharing ordinance, a separate vacation rental ordinance may be warranted. Consideration of vacation home policies may benefit from additional outreach and staff development, including any required environmental analysis.

6. Options for establishing a Standardized Platform Agreement for those who provide the service of connecting guests with hosts including:
  - a) A mechanism to memorialize agreement with platforms;
  - b) The legal authority; and
  - c) Allowing for recovery for administrative and enforcement costs through fees.

The proposed ordinance establishes responsibilities for hosts and hosting platforms to legally partake in home-sharing activity. If the City were to require agreements with platforms to

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memorialize these responsibilities, it could have the benefit of allowing for some customization depending on the capabilities of the individual platform. Such an agreement could also allow for an incentive-based approach whereby, in exchange for remitting TOT and potentially paying a per-night booking administration fee, the platform could:

- Shield hosts from needing to register and file monthly reports Business Tax Registration Certificates (BTRCs) with the Office of Finance;
- Allow hosts to operate on the platform with a pending registration; and
- Provide the ability to implement a "pass through registration" process with hosting platforms.

A discussion regarding potential administrative fees for recovery for administrative and enforcement costs is discussed in number ten below.

7. Establishing an opt-out provision for landlords to exclude their properties from participating in home-sharing;

The proposed ordinance includes a provision to require landlord/property owner approval before a tenant is registered for home-sharing. This is to ensure, among other things, that a tenant does not inadvertently violate their lease by home-sharing, which could lead to an eviction.

An administrative provision to allow landlords to proactively exclude their properties from participating in home sharing could work within this system. No change to the ordinance is required. Provisions for how property owners can add their properties to the list will be included in the forthcoming administrative guidelines.

8. The implications of removing the proposed annual cap on home-sharing activity in a primary residence

The October 19, 2017 DCP report summarized the rationale for a cap on the number of nights that may be rented per year. The response to question one above provides some options for removing the annual cap for certain types of users. Removing the cap altogether would likely require additional environmental analysis and could have significant implications, including:

- Allowing year-round short-term rentals in all neighborhoods in the City;
- Continued loss/conversion of about 1,500-2,500 units of housing per year to full time short-term rental activity;
- Proliferation of short-term rentals and potential nuisance impacts in areas popular with tourists such as Venice, Hollywood and Downtown.

9. The possibility of requiring applicants to self-certify primary residency under penalty of perjury, with consideration of:

- a) Easing the burden of upfront administration staffing and costs;
- b) For investigation or verification, if the City could require that supporting documentation be furnished upon demand at any time;
- c) Attaching large and escalating penalties and fines;

The proposed ordinance creates a process whereby hosts will need to register with the City for home-sharing. A major purpose of this process is to establish key requirements such as primary residency, landlord permission and RSO status. Documents proving that a host resides at the property to be used for home sharing would need to be submitted to the City. The goal of the proposed ordinance would be to allow for submissions of all required documents online or through a mobile application.

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A self-certification system for establishing primary residency would ease the administrative burden of the verification process. Documents would not need to be submitted or verified, which could speed the registration process. However, this approach would possibly open the door for significant fraud and abuse, making it more difficult to prevent units from being converted to short-term rentals. The City would be largely reliant on public complaints. It could also do periodic audits to determine the extent of the fraud or use other indicators from an online listing to try to locate potential vacation rentals.

The city of Denver has instituted a self-certification process for establishing primary residency. It acknowledges that significant fraud occurs (a figure of 30-40% was mentioned) but believes the administrative benefits and cost savings outweigh the potential downsides. Denver relies largely on complaints but has also begun a process of proactively identifying potential violations. The City also requires that supporting documentation be furnished upon demand and enforces escalating penalties.

10. Conduct or carry out a Fee Study for a \$4 per day surcharge (pass-through to guests) for listings on all platforms, with the intent of reducing the per square foot amount of the proposed Linkage Fee.

The establishment of a surcharge on hosts of short term rentals, to offset the proposed Affordable Housing Linkage Fee, would be limited by Proposition 26 and the California Mitigation Fee Act. The surcharge could be established under Proposition 26, but must go to the specific costs of administering the home-sharing program, otherwise voter approval would be required to enact the fee. Under Proposition 26, jurisdictions establishing a fee must establish that a specific benefit (affordable housing in this case) is being conferred on the payer of the fee and that is exclusive to the payer. Unlike the recently adopted Affordable Housing Linkage Fee, the suggested surcharge would not be charged on new development so could not be considered a mitigation fee. However, as discussed in the October 19, 2017 DCP report and mentioned above under the response to question three, a surcharge could be placed on listings to help pay for reasonable administrative and enforcement costs. This surcharge could supplant some portion (or all) of the 10 percent TOT allocation. Should Council elect to direct some or all of the TOT revenues collected from short-term rentals to the General Fund, the increased revenue could be used to reduce the fees charged through the Linkage Fee or address other policy priorities. This would be a separate policy discussion of the City Council.

## CONCLUSION

The Department will continue to provide policy details to help inform the City Council's consideration of short-term rental regulations.

If you have any questions, please contact Matthew Glesne of the Department of City Planning at (213) 978-2666 or at [matthew.glesne@lacity.org](mailto:matthew.glesne@lacity.org).

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning



Kevin J. Keller, AICP  
Executive Officer

VPB:KJK:AV:CB:MG:mn

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# EXHIBIT C

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 12.03, 12.22, 12.24, 19.01 and 21.7.2 of the Los Angeles Municipal Code; and amending Section 5.522 imposing regulations to permit sharing of one's primary residence, establishing an application fee and administrative fines for Home-Sharing, and directing Transient Occupancy Taxes derived from Home-Sharing to the Affordable Housing Trust Fund.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. The definition of Accessory Use in Section 12.03 of the Los Angeles Municipal Code is amended to include:

The use of a Primary Residence for the purposes of Home-Sharing shall be considered accessory to a residential use.

Section 2. The definition of Home-Sharing is added to Section 12.03 of the Los Angeles Municipal Code to read:

**HOME-SHARING.** An accessory use of a Host's Primary Residence for the purposes of providing temporary lodging, for compensation, for periods of 30 consecutive days or less.

Section 3. Section 12.22 A of the Los Angeles Municipal Code is added to read as follows:

**31. Home-Sharing**

**(a) Purpose.** The purpose of this Subdivision is to allow for the efficient use and sharing of residential structures without detracting from residential character or enjoyment.

**(b) Definitions.** When words are capitalized in this Subdivision they refer to defined terms in the Municipal Code, including this section as well as 12.03, 21.7.2 1 and 151.02. For the purposes of this Subdivision, the following words and phrases are defined:

(1) **HOME-SHARING HOSTING PLATFORM.** An entity that facilitates Home-Sharing through advertising, match-making or any other means and from which the Platform derives revenues, including, but not limited to, booking fees or advertising revenues, from providing or maintaining the marketplace.

(2) **HOST.** An individual who has the legal right to rent his/her Primary Residence for Home-Sharing under this Subdivision.

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- (3) **PRIMARY RESIDENCE** The sole property on which the Host conducts Home Sharing and in which the Host resides at least 6 months of the year.

**(c) Home-Sharing Registration**

- (1) **Application.** To register for Home-Sharing, a Host shall file an application with the Department of City Planning on a form provided by the Department, and shall include all information required by the instructions on the application and the guidelines adopted by the Director of Planning. Any filing fees required under Section 19.01 E. shall be included with the application. Beyond basic information needed to verify the identification of the Host and his or her Primary Residence, the application shall also include information for a local responsible contact person, a list of all Hosting Platforms to be used and the portion of the unit to be used for Home-Sharing.
- (2) **Eligibility Requirements:** The following requirements must be met at the time of Home-Sharing registration:
- (a) The Host must obtain a Transient Occupancy Registration Certificate from the Office of Finance.
  - (b) Home-Sharing may only be authorized and take place in a habitable room in the Primary Residence approved for residential occupancy, in a Primary Residence, or within Guest Houses and/or Accessory Living Quarters when the Host occupies the main front home on the property as a Primary Residence.
  - (c) Renters or lessees of units may not engage in Home-Sharing without explicit approval by the Landlord. If a renter or owner is subject to the rules of a lease agreement, homeowner's or condo association, or any other legal contract, allowance to engage in Home-Sharing through this subsection shall not be inferred to grant any permission that invalidates provisions in those documents.
  - (d) Renters of units subject to the Rent Stabilization Ordinance may not engage in Home-Sharing.
  - (e) Any multi-unit buildings, used for Home-Sharing, shall not have any open Orders to Comply or any other code violation that is the subject of enforcement or criminal proceedings, unless the violation is completely unrelated to the safety or habitability of the space being used for Home-Sharing, as determined by the agency who issued the order.
  - (f) No Person may apply for, or register for, more than one Home-Sharing unit or guest room, or otherwise operate more than one Home-Sharing unit or guest room, in the City of Los Angeles.
- (3) **Expiration and Renewal.** A Home-Sharing registration is valid for a maximum of two years from the date of issuance. It may not be transferred and is valid only at

the original Home-Sharing site. A Home-Sharing registration may be renewed bi-annually if the Host meets the renewal requirements including: (1) pays the renewal fee; (2) is deemed to have been in substantial conformance with the provisions of this Subdivision for the past two years; (3) documents and provides any changes that have occurred to the information on the current Home-Sharing application; and 4) submits Home-Sharing records described in Subsection (e) 2 for the last two years to demonstrate compliance with this Subdivision as part of the renewal.

Without a renewal application submitted within 2 years to the date of the issuance of the Home-Sharing registration, or prior renewal, a registration is considered null and void.

- (4) **Suspensions and Revocations.** Notwithstanding any other provision of this Code to the contrary, the Director may require the modification, discontinuance or revocation of Home-Sharing approval if it is found that violations of this section have occurred, in addition to any other city, state, or federal regulation, ordinance or statute. The Director shall give notice to the record owner and lessee(s) of the real property affected to appear at a public hearing at a time and place fixed by the Director and show cause why the land use or discretionary zoning approval should not be modified, discontinued, or revoked pursuant to section 12.27.1 (B). If a registration is revoked, the Host must wait at least three years before they can apply and/or register for Home-Sharing again.

**(d) Prohibitions.**

- (1) No Person shall advertise, undertake, maintain, authorize, book or facilitate any renting to Transient guests in a manner that does not comply with this Subdivision.
- (2) No Person shall advertise any Home-Sharing activity without a City issued Home-Sharing registration number included on a visible location on the advertisement.
- (3) No Person shall operate Home-Sharing for more than 90 days each calendar year.
- (4) A second dwelling unit on a single-family zoned lot may not be used for Home-Sharing, unless it is the Primary Residence of a Host.
- (5) No Person shall offer or engage in Home-Sharing in any part of the property not approved for residential occupancy, including but not limited to, a vehicle parked on the property, a storage shed, recreation room, trailer or garage or any temporary structure like a tent.
- (6) A Host may not rent all or a portion of his home for the purposes of Home-Sharing to more than one group of guests, under more than one booking, at any given time.
- (7) Home-Sharing is not permitted in units that are subject to affordable housing covenants, are in units subject to the Rent Stabilization Ordinance, and/or are income-restricted under City, state, or federal law.
- (8) Non-residential uses shall not be permitted, including but not limited to, sales or exchange of products, events that charge a fee, or the promotion, display or servicing of any product is conducted on the premises.

- (9) No Persons shall advertise Home-Sharing on a Hosting Platform not included on the Home-Sharing registration form without prior noticing of the Department of City Planning and amending of the Home-Sharing application form.

**(e) Host Requirements**

- (1) A Host shall be responsible for any nuisance violations, as described in LAMC section 12.27.1.B, arising at a property during Home Sharing activities.
- (2) The Host shall keep and preserve, for a period of three years, all records including the number and length of each Home Sharing stay during the past year, and the price paid for each stay. The Office of Finance shall have the right to inspect these records at all reasonable times. Hosts shall provide a copy of the records from the last two years to the Department of City Planning at the time of renewing the Home Sharing registration.
- (3) The Host shall fully comply with all the requirements of LAMC Article 1.7 (Transient Occupancy Tax and successor sections).
- (4) A Host shall provide and maintain fire extinguishers, smoke detectors, carbon monoxide detectors and information related to emergency exit routes and emergency contact information.

**(f) Hosting Platform Requirements.**

- (1) Actively prevent, remove and cancel any illegal listings and bookings of short term rentals including where a listing has been offered: without a Home-Sharing registration number; by a Host who has more than one listing in the City of Los Angeles; or, for a rental unit that exceeds 90 days in a calendar year.
- (2) Provide to the Department of City Planning, within 45 days of the effective date of this Ordinance, contact information for an employee or representative that will respond to requests for information or verification of violations of this section. Hosting Platforms established after the effective date, provide this information prior to facilitating Home-Sharing or renting to Transient guests.
- (3) In cases where advertisements appear on Hosting Platforms that are not in compliance with this Subdivision, work with the Department of City Planning to investigate and resolve any violations. This includes contacting the alleged violator, particularly in cases where the City is unable to locate them, and instructing them to apply for Home-Sharing. If no response is obtained in a reasonable amount of time, or the Home-Sharing permit is not applied for within 30 days of the notice, the listing shall be removed from the Hosting Platform.
- (4) Provide to the Department of City Planning and Office of Finance, on a monthly basis, a log in an electronic format, including the Home Sharing registration number, address of all sites maintained, authorized, facilitated or advertised by the Hosting Platform for Transient use during the period, the total number of nights that the residential unit was occupied during the period and the amounts paid for each stay. If the Hosting Platform does not have the technical capability to collect such information, it shall provide written documentation to the City of Los Angeles within

75 days of adoption of this Ordinance that it either does not participate in the booking of Home-Sharing or provide alternative methods to comply with the intent of this provision, to the satisfaction of the Department of City Planning.

- (5) If the Hosting Platform collects payment for the Home-Sharing, the platform and the Host shall both have legal responsibility for the collection of all applicable Transient Occupancy Tax and remittance of the collected tax to the City on a monthly basis.

**(g) Enforcement of Violations.** Any Person violating this Subdivision shall be guilty of a misdemeanor and or civil remedies provided for by this code, at law or in equity, or any combination of these.

- (1) The provisions in this subsection shall be in addition to any criminal, civil or other legal remedy established by law that may be pursued to address violations of this Subdivision. The selection of the appropriate remedies lies within the sole discretion of the issuing Department and, as applicable, by the City Attorney, and shall be consistent with the purpose and intent of this Article.
- (2) Any person who has failed to comply with the provisions of this Subdivision may be subject to the provisions of Section 11.00 of this Code. The Owner of the property in violation may be assessed a minimum inspection fee, as specified in Section 98.0412 of this Code for each site inspection.
- (3) The Administrative Citation Enforcement (ACE) program in Article 1.2 of this Chapter may be utilized to issue administrative citations and fines pursuant to this section.
- (4) The Director may require the modification, discontinuance, or revocation of any Home-Sharing registration in the manner prescribed in the Administrative Nuisance Abatement program Section 12.27.1
- (5) The Director shall have the authority to prescribe additional conditions and standards of operation for any Home-Sharing that may require additional conditions to avoid nuisance conditions or violations of this section.
- (6) Violation or failure to comply shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this chapter, except as follows:
  - a. Hosting Platform
    1. \$500 Fine per day for advertising a listing in violation of this Section, including but not limited to listings without a City Home-Sharing registration number, multiple listings by the same Host or, a listing where the Host's home address does not match the listing location, and any listings rented for more than 90 days a calendar year.
    2. \$1,000 Fine per day on any refusal to provide the addresses of un-registered short term rentals to the City.
    3. \$1000 Fine per day on any refusal to submit monthly documents required for City to verify the accuracy of the City's Transient Occupancy Tax.
  - b. Property Owner and/or Host

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1. A minimum \$200 Fine, or two times the nightly Rent charged, whichever is greater, per day, for advertising a residence for the purposes of Home-Sharing without compliance with this Subdivision.
2. \$2,000 Fine per day for Home-Sharing beyond the 90 day limit in a year.
3. For the purposes of establishing an Administrative Violation under the Administrative Citation Enforcement program for the Transient use of buildings, structures, or land for which permits or approval are required but were not obtained, the Administrative Fine levied shall be in the amounts described in LAMC section 11.2.04 (a)(2). If no approval could have been obtained and no variance was sought, the Administrative Fine levied shall be at four times (4x) the amounts in that section. The square footage for the use in violation shall be the amount of indoor space to which the Transient guests have access. If the square footage is unable to be ascertained, it shall be assumed to be between 500 and 2,500 square feet.

**(h) Administration and Regulations.** City Departments and Agencies may promulgate regulations, which may include but are not limited to application requirements, interpretations, conditions, reporting requirements, enforcement procedures, and disclosure requirements, to implement the provisions of this Chapter. No person shall fail to comply with any such regulation.

(FROM THIS POINT FORWARD ALL UNDERLINED TEXT IS NEW CODE AND STRIKEOUT IS DELETED)

Section 4. Section 12.24 to read as follows:

**W. Authority of the Zoning Administrator for Conditional Uses/Initial Decision.**

**24. Hotels.**

(a) Hotels (including motels), apartment hotels, transient occupancy residential structures, or hostels in the CR, C1, C1.5, C2, C4, and C5 Zones when any portion of a structure proposed to be used as a hotel (including a motel), apartment hotel, transient occupancy residential structure or hostel is located within 500 feet of any A or R Zone. Approval of a conversion from another residential use to a Transient Occupancy Residential Structure under this paragraph shall not be permitted.

(b) Hotels (including motels), apartment hotels, transient occupancy residential structures or hostels, in the M1, M2 and M3 Zones when more than half of the lot on which the use is located is in the CR, C1, C1.5, C2, C4, C5 or CM Zones. In approving a request for a use

in the M1, M2 and M3 Zones, the Zoning Administrator, in addition to the findings otherwise required by this section, shall also find that approval will not displace viable industrial uses. Approval of a conversion from another residential use to a Transient Occupancy Residential Structure under this paragraph shall not be permitted.

© Hotels, motels, apartment hotels, transient occupancy residential structures and hotels in the R4 or R5 Zones, unless expressly permitted by Sections 12.11 or 12.12. In the R5 Zone, incidental business may be conducted, but only as a service to persons living there, and provided that the business is conducted within the main building, that the entrance to the business is from the inside of the building and that no sign advertising the business is visible from outside the building. If the proposed use is to be established by the conversion of an existing residential use, then a relocation assistance plan shall be drawn up and approved in a manner consistent with Section 12.95.2G. Approval of a conversion from another residential use to a Transient Occupancy Residential Structure under this paragraph shall not be permitted.

Section 5. Section 19.01, Section P is amended and Section Z of is added to read:

**P. Modifications or Discontinuance of Use Pursuant to Nuisance Abatement Proceedings.**

**[FILING FEE]**

Type of Application	Fee
Home-Sharing Administrative Hearing	\$TBD

**Z. Home-Sharing Registration Application Fee.**

**[FILING FEE]**

Type of Application	Fee
Home-Sharing Application (Section 12.22)	\$TBD

Section 6: Section 21.7.2 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 21.7.2. DEFINITIONS.**

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Except where the context otherwise requires, the definitions given in this section govern the construction of this article.

(b) Hotel. “Hotel” means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, Home-Sharing, motel, studio, hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, or other similar structure or portion thereof, and shall further include any trailer court, camp, park or lot where trailer spaces, or combinations of such spaces and trailers, including mobile homes, are occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes.

Section 7, Chapter 122 of the Administrative Code is amended to read as follows:

**Sec. 5.522. Creation and Administration of the Affordable Housing Trust Fund**

(h) The portion of transient occupancy taxes equal to the amount which would be derived from a transient occupancy tax received by the City, which are attributable to Home-Sharing pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code, shall be placed in the fund.

# **EXHIBIT D**



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number ZA-2017-4610-CU-MCUP-SPR

Env. Case Number ENV-2017-3933-EAF

Application Type Conditional Use Permit, Master Conditional Use Permit, Site Plan Review

Case Filed With (Print Name) Steve Kim Date Filed 11/8/2017

Application includes letter requesting:

Waived hearing       Concurrent hearing       Hearing not be scheduled on a specific date (e.g. vacation hold)

Related Case Number VTT-78252

Provide all information requested. Missing, incomplete or inconsistent information will cause delays. All terms in this document are applicable to the singular as well as the plural forms of such terms.

1. PROJECT LOCATION

Street Address<sup>1</sup> 615 W Olympic Blvd, 949 S Hope St, 950 S Flower St, 600 W 9th St Unit/Space Number \_\_\_\_\_

Legal Description<sup>2</sup> (Lot, Block, Tract) Lot 1 and 2 of Tract 40679-C

Assessor Parcel Number 5138-001-020 to 5138-001-256 Total Lot Area 156,507.0 sf

2. PROJECT DESCRIPTION

Present Use Multi Family Residential and Commercial

Proposed Use Multi Family Residential and Commercial

Project Name (if applicable) \_\_\_\_\_

Describe in detail the characteristics, scope and/or operation of the proposed project Site Plan Review, Master Conditional Use Permit for alcohol, and Conditional Use Permit for transient occupancy residential structure to allow a 27-story, 274-foot, 236-unit residential tower with retail and restaurant uses on the ground floor. (see Attachment A)

Additional information attached       YES       NO

Complete and check all that apply:

Existing Site Conditions

- Site is undeveloped or unimproved (i.e. vacant)
- Site has existing buildings (provide copies of building permits)
- Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial)
- Site is located within 500 feet of a freeway or railroad
- Site is located within 500 feet of a sensitive use (e.g. school, park)
- Site has special designation (e.g. National Historic Register, Survey LA)

<sup>1</sup> Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—http://zimas.lacity.org)  
<sup>2</sup> Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

**Proposed Project Information**

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Interior tenant improvement
- Additions to existing buildings
- Grading
- Removal of any on-site tree
- Removal of any street tree

- New construction: 251,222 square feet
- Accessory use (fence, sign, wireless, carport, etc.)
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Haul Route
- Uses or structures in public right-of-way
- Phased project

**Housing Component Information**

Number of Residential Units: Existing 15 – Demolish(ed)<sup>3</sup> 15 + Adding 236 = Total 236

Number of Affordable Units<sup>4</sup> Existing \_\_\_\_\_ – Demolish(ed) \_\_\_\_\_ + Adding \_\_\_\_\_ = Total \_\_\_\_\_

Number of Market Rate Units Existing 15 – Demolish(ed) 15 + Adding 236 = Total 236

Mixed Use Projects, Amount of Non-Residential Floor Area: 6,699 square feet

**Public Right-of-Way Information**

Have you submitted the Planning Case Referral Form to BOE? (required)  YES  NO

Is your project required to dedicate land to the public right-of-way?  YES  NO

If so, what is/are your dedication requirement(s)? N/A ft.

If you have dedication requirements on multiple streets, please indicate: \_\_\_\_\_

**3. ACTION(S) REQUESTED**

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36?  YES  NO

Authorizing section LAMC 16.05 Section from which relief is requested (if any): \_\_\_\_\_

Request: Site Plan Review to allow the development of a project with 236 dwelling units.

Authorizing section LAMC 12.24.W24 Section from which relief is requested (if any): \_\_\_\_\_

Request: Conditional Use Permit to allow transient occupancy residential structure in R5.

Authorizing section LAMC 12.24.S Section from which relief is requested (if any): \_\_\_\_\_

Request: A 20% reduction in parking requirements.

Additional Requests Attached  YES  NO

<sup>3</sup> Number of units to be demolished and/or which have been demolished within the last five (5) years.

<sup>4</sup> As determined by the Housing and Community Investment Department

**4. RELATED DEPARTMENT OF CITY PLANNING CASES**

Are there previous or pending cases/decisions/environmental clearances on the project site?  YES  NO

If YES, list all case number(s) ZAI-557, ZA-1980-410, ZA-1982-178, and ZA-1986-1390-ZV.

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. \_\_\_\_\_

Ordinance No.: \_\_\_\_\_

Condition compliance review

Clarification of Q (Qualified) classification

Modification of conditions

Clarification of D (Development Limitations) classification

Revision of approved plans

Amendment to T (Tentative) classification

Renewal of entitlement

Plan Approval subsequent to Master Conditional Use

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project?  YES  NO

Have you filed, or is there intent to file, a Subdivision with this project?  YES  NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

Applicant filed a Vesting Tentative Tract Map (VTT-78252) on September 28, 2017.

**5. OTHER AGENCY REFERRALS/REFERENCE**

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please check all that apply and provide reference number if known.

Are there any outstanding Orders to Comply/citations at this property?  YES (provide copy)  NO

Are there any recorded Covenants, affidavits or easements on this property?  YES (provide copy)  NO

Development Services Case Management Number \_\_\_\_\_

Building and Safety Plan Check Number \_\_\_\_\_

Bureau of Engineering Planning Referral (PCRF) \_\_\_\_\_

Bureau of Engineering Hillside Referral \_\_\_\_\_

Housing and Community Investment Department Application Number \_\_\_\_\_

Bureau of Engineering Revocable Permit Number \_\_\_\_\_

Bureau of Sanitation, Low Impact Development (LID) Referral \_\_\_\_\_

Other—specify \_\_\_\_\_

6. PROJECT TEAM INFORMATION (Complete all applicable fields)

Applicant<sup>5</sup> name Forest City Southpark Two, LLC

Company/Firm \_\_\_\_\_

Address: 949 S. Hope Street Unit/Space Number 100

City Los Angeles State CA Zip Code: 90015

Telephone (213) 488-0010 E-mail: \_\_\_\_\_

Are you in escrow to purchase the subject property?  YES  NO

Property Owner of Record  Same as applicant  Different from applicant

Name (if different from applicant) \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

Agent/Representative name Jerry Neuman and Andrew Brady

Company/Firm DLA Piper LLP (US)

Address: 633 W. 5th Street Unit/Space Number 3200

City Los Angeles State CA Zip: 90071

Telephone (213) 694-3108 E-mail: andrew.brady@dlapiper.com

Other (Specify Architect, Engineer, CEQA Consultant etc.) \_\_\_\_\_

Name \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address: \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

Primary Contact for Project Information (select only one)  Owner  Applicant  Agent/Representative  Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

<sup>5</sup> An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

Office: Downtown  
 Applicant Copy  
 Application Invoice No: 41337

City of Los Angeles  
 Department of City Planning



LA Department of Building and Safety  
 LA MITC 103118720 11/8/2017 4:18:11 PM

**City Planning Request**

NOTICE: The staff of the Planning Department will analyze your request and accord t your application, regardless of whether or not you obtain the services i

This filing fee is required by Chapter 1, Article 9, L

PLAN & LAND USE \$8,037.00  
 DEV SERV CENTER SURCH-PLANNING \$241.11  
 PLAN & LAND USE \$1,607.40

Sub Total: \$9,885.51

Receipt #: 0103812868

Applicant: FOREST CITY SOUTHPARK TWO, LLC ( B:213-4880010 )  
 Representative: DLA PIPER LLP (US) - NEUMAN/BRADY, JERRY/ANDREW ( B:213-  
 Project Address: 949 S HOPE ST, 90015

NOTES: Associated case VTT-78252 and ENV-2017-3933-EAF in Expedited Processi

ZA-2017-4610-CU-MCUP-SPR			
Item	Fee	%	Charged Fee
Conditional Use by ZA (All other uses, including wireless) *	\$5,358.00	100%	\$5,358.00
Conditional Use by ZA (All other uses, including wireless) *	\$5,358.00	50%	\$2,679.00
<b>Case Total</b>			<b>\$8,037.00</b>

LA Department of Building and Safety  
 LA MITC 103118720 11/8/2017 4:18:11 PM

Item	Charged Fee
*Fees Subject to Surcharges	\$8,037.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$8,037.00</b>
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$241.11
City Planning Systems Development Surcharge (6%)	\$482.22
Operating Surcharge (7%)	\$562.59
General Plan Maintenance Surcharge (7%)	\$562.59
<b>Grand Total</b>	<b>\$9,885.51</b>
<b>Total Invoice</b>	<b>\$9,885.51</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$9,885.51</b>

PLAN & LAND USE \$8,037.00  
 DEV SERV CENTER SURCH-PLANNING \$241.11  
 PLAN & LAND USE \$1,607.40

Sub Total: \$9,885.51

Receipt #: 0103812868

Council District: 14  
 Plan Area: Central City  
 Processed by KIM, STEVE on 11/08/2017

Signature: 

ORIGINAL

950 S Flower St.

Attachment A: Actions Requested, Project Description, and Findings

I. **ACTIONS REQUESTED**

Forest City Southpark Two, LLC ("the Applicant") requests the following discretionary approvals:

- 1) Pursuant to Los Angeles Municipal Code ("LAMC") Section 16.05, a Site Plan Review to allow the construction of a 251,222-square-foot ("sf"), 27-story, 274-foot-tall, 236-unit residential tower atop a 17-foot-tall podium with retail and restaurant uses on the ground floor.
- 2) Pursuant to LAMC Section 12.24.W.24(c), a Conditional Use Permit to allow the construction of a transient occupancy residential structure in the R5 Zone.
- 3) Pursuant to LAMC Section 12.24.S, a 20% reduction in parking requirements pursuant to LAMC as a part of the Conditional Use Permit approval.
- 4) Pursuant to LAMC Section 12.24.W.1, a Master Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an establishment with hours of operation from 7:00 a.m. to 2:00 a.m., and to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with two establishments with hours of operation from 7:00 a.m. to 2:00 a.m. The three restaurant spaces would have a combined floor area of 10,010 sf that consists of 6,699 sf of indoor area and 3,311 sf of outdoor dining area.
- 5) Deviation from the Advisory Agency's Residential Parking Policy No. AA 2000-1 to allow Code required parking on-site.

ORIGINAL

## II. PROJECT DESCRIPTION

Forest City Southpark Two, LLC (the "Applicant") proposes the construction of a 251,222-sf, 27-story, 274-foot-tall, 236-unit residential tower atop a 17-foot-tall podium with retail and restaurant uses on the ground floor at 949 S. Hope Street (the "Project"). To facilitate the Project, the Applicant seeks a Site Plan Review as the Project results in an increase of 50 or more dwelling units, a Conditional Use Permit to allow the construction of a transient occupancy residential structure in the R5 zone, a 20% reduction in parking requirements as a part of the Conditional Use Permit approval, a Master Conditional Use Permit to allow the sale and dispensing of alcoholic beverages of onsite consumption, and a deviation from the Advisory Agency's Residential Parking Policy No. AA 2000-1 so that Code required parking may be allowed onsite.

### Project Location and Zoning

The subject site is located at 949 S. Hope Street within the South Park community of downtown Los Angeles (the "Subject Site"). The Subject Site is zoned [Q]R5-4D and has a General Plan Land Use designation of High Density Residential per the Central City Community Plan. Height District No. 4 permits a floor area ratio ("FAR") of up to 13:1; however, the "D" limitation limits the FAR to a maximum of 6:1 unless additional floor area is permitted through a Transfer of Floor Area ("TFAR"). The "[Q]" Condition allows commercial uses provided the floor area for commercial uses does not exceed a 2:1 FAR.

### Current Site Condition

The project site is located on a portion of the collection of contiguous parcels owned by the Applicant (the "Overall Site"). The Overall Site is comprised of Lot 1 and 2 of the Stilson's Subdivision of Block 64 Ord's Survey.

Lot 1, with Assessor's Parcel Number ("APN") 5138-001-020 to 5138-001-255, is located on the north side of the block on 9<sup>th</sup> Street between S. Flower Street and S. Hope Street. The parcel is approximately 83,402 sf in size. According to building permit 1981LA31454, the parcel is currently developed with the 14-story Skyline condominium building with approximately 300,329 sf of floor area. The Applicant does not own the condominium building, parking structure, or building amenities and infrastructure, which is owned by the building's Homeowner's Association. The required 366 parking spaces for the condominium residential units are provided on the same lot within an existing parking subterranean structure. Lot 1 also contains one half of a 3-story, 15-unit residential and office building along S. Hope Street that is located partially on Lot 1 and partially on Lot 2, described below. The parcel is contiguous with Lot 2 of the Stilson's Subdivision of Block 64 Ord's Survey and the Applicant, Forest City Southpark Two, LLC, owns the 3-story building that will be demolished and replaced with the new Project and the land; therefore, this lot is included as a part of the Overall Site.

Lot 2, APN 5138-001-256, is located on the south side of the city block on Olympic Boulevard between S. Flower Street and S. Hope Street (the "Subject Site"). The parcel is approximately 75,106 sf in size. Along S. Flower Street, the parcel is developed with The Met, a 14-story, 270-unit, approximately

**950 S Flower St.**

Attachment A: Actions Requested, Project Description, and Findings

248,951-sf apartment building. Along S. Hope Street, the parcel is developed with the other half of the 3-story, 15-unit residential and office building that is also partially located on Lot 1. The 14-story The Met and the 3-story residential/office building share a 5-level subterranean parking garage with approximately 440 parking spaces. The Project would demolish the 3-story residential/office building and maintain the existing 440 parking spaces, which parking space number may be increased through re-striping or adding hydraulic parking lifts. The existing parking spaces would be redistributed per Code to allow The Met and the newly proposed 236-unit apartment building to meet Code parking requirement. The distribution will be further elaborated below.

**950 S Flower St.**

Attachment A: Actions Requested, Project Description, and Findings

The Project would provide 4,600 sf of private open space in the form of private balconies, and 22,135 sf of common and recreational open space, which would include, but would not be limited to, an amenity deck, a roof deck, a dog wash, barbeque grills, garden area, a fitness center, a pool, and a private terrace. The available open space provided onsite exceeds the Code required 25,350 sf of open space. The available onsite open space would provide residents with improved habitability and provide options for recreation space beyond the local parks and recreational facilities, which would reduce impacts on the neighboring properties by reducing the demand on local parks and recreational facilities.

**IV. FINDINGS FOR CONDITIONAL USE PERMIT FOR TRANSIENT OCCUPANCY RESIDENTIAL STRUCTURE**

Pursuant to LAMC Section 12.24.W.24(c), the Applicant requests a Conditional Use Permit to allow the construction of a transient occupancy residential structure in the R5 zone.

**A. THE PROJECT WILL ENHANCE THE BUILT ENVIRONMENT IN THE SURROUNDING NEIGHBORHOOD OR WILL PERFORM A FUNCTION OR PROVIDE A SERVICE THAT IS ESSENTIAL OR BENEFICIAL TO THE COMMUNITY, CITY, OR REGION.**

The existing three-story residential/office building was constructed as a part of The Met. The building was intended to provide a few residential and office units above the four-level subterranean garage. However, since its construction in the 1980's, downtown Los Angeles has changed significantly and has become a true urban core where higher density uses and a more environmentally friendly footprint are encouraged. The existing three-story office/residential building is one of the few remaining low-rise structures in the immediate vicinity. Further, the Subject Site is zoned R5 and has a General Plan land use designation of High Density Residential. It is also within close proximity of the Metro Pico Station for the blue and expo line, the 7th/Metro Center station, and several bus stops. By providing a mere 15 units on a parcel that is both envisioned to be constructed with more residential units and primed for a transit oriented development, the building is in effect contributing to the housing shortage in the neighborhood by severely underutilizing the site. The demolition of the building to pave way for the construction of a modern, 27-story residential tower complete with urban green space and 236 residential units would result in an increase in the available housing units in downtown Los Angeles. Replacing a low-rise structure with a building that is more compatible with the surrounding neighborhood in both style and density would also enhance the built environment.

The Applicant requests the approval of a Conditional Use Permit to allow the Project to have a dual designation of a Transient Occupancy Residential Structure and a residential structure to meet the variety of needs in the downtown area. The downtown area is in dire need of short term housing such as hotels, and long term housing such as apartments and condominiums, and as a result, the City of Los Angeles is pushing to add thousands of hotel and residential units to the downtown neighborhood. In addition to meeting the needs of the visitors and the residents, the Applicant also wishes to meet the needs of businesses that may need to house employees on business trips in Los Angeles for a few weeks before the employees return home. As a Transient Occupancy Residential Structure, the Project would be able to

**950 S Flower St.**

Attachment A: Actions Requested, Project Description, and Findings

serve a function that is essential to the businesses in the vicinity and therefore benefit the community and the city.

**B. THE PROJECT'S LOCATION, SIZE, HEIGHT, OPERATIONS AND OTHER SIGNIFICANT FEATURES WILL BE COMPATIBLE WITH AND WILL NOT ADVERSELY AFFECT OR FURTHER DEGRADE ADJACENT PROPERTIES, THE SURROUNDING NEIGHBORHOOD, OR THE PUBLIC HEALTH, WELFARE, AND SAFETY.**

The Project is an infill project that is surrounded by properties that have been fully developed. Within the city block, the Applicant has developed the north side of the block with The Skyline, a 14-story condominium building that is separately owned; The Met, a 14-story apartment building owned by the Applicant, parking garages for The Met and The Skyline, and a 3-story residential/office building. The remaining portions of the city block not owned by the Applicant is developed with the eight-story Standard Oil Company building, a City of Los Angeles designated historic monument. Across the Subject Site on S. Hope Street is the Grand Hope Park, which is expected to remain a public park and is not expected to be developed with residential or commercial uses. The Project is designed with the environment immediately adjacent in mind. The Project does not propose any additional curb cuts or driveways. Rather, it would utilize the existing driveway, loading area, and trash collection area for The Met and the existing 4-story subterranean garage as to not disturb the pedestrian friendly S. Hope Street. The Project is designed with a short 17-story podium that lines S. Hope Street with retail/restaurant spaces. Landscaped amenity deck is provided above the proposed retail/restaurant spaces above the podium, which would provide the residents with recreational space between the Project and the Skyline, away from the Standard Oil Company Building. The Project is designed to appear sufficiently modern as to not detract from the historic value of the Standard Oil Company Building, while still providing visual consistency with the building through color palette choices and the use of transitional materials between the two structures to create a seamless transition from the historical building to the new Project tower. Further, setback is provided between the Standard Oil Company Building and the proposed new residential tower. The Project would be compatible with the surrounding neighborhood and would not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

To allow the building to serve as a Transient Occupancy Residential Structure in addition to a standard residential structure would allow the Applicant flexibility to serve the most pressing housing needs of the community and allow the apartment to partner with businesses to provide short term stays as well as provide rental units to long term tenants. The transient occupants are expected to be employees of companies on business trips or families visiting from out of town but require longer term stays than what would typically be affordable in a hotel. The availability of transient occupancy residential units within the Project is not expected to adversely affect or degrade the neighborhood as these units would be a small percentage of the overall housing stock in the downtown area and the nature of the tenancy would be similar to that of long term tenants.

C. **THE PROJECT SUBSTANTIALLY CONFORMS WITH THE PURPOSE, INTENT AND PROVISIONS OF THE GENERAL PLAN, THE APPLICABLE COMMUNITY PLAN, AND ANY APPLICABLE SPECIFIC PLAN.**

General Plan

The Project Site at 949 S. Hope Street ("Project Site") has a General Plan Land Use Designation of High Density Multi-Family Residential. The General Plan Framework Element sets forth the Multi-Family Residential objective of:

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

The Project meets this objective by redeveloping an existing underutilized site and replacing an existing 3-story, 15-unit building with a 27-story, 236-unit apartment building, adding new residential units to an area where high density residential is the expected use. The surrounding public infrastructure and services, including the Grand Hope Park, the public streets in the vicinity, Metro Red Line and Purple Line, Pico Station, and 7<sup>th</sup> Street/Metro Center Station, have been designed to accommodate the high-density residential uses in the vicinity. This Project improves the life of new residents in the Project by placing more residents close to public transportation services and public parks.

The General Plan also sets forth the following Policies:

**Policy 3.7.1 Accommodate the development of multi-family residential units in areas designated in the community plans in accordance with Table 3-1 and Zoning Ordinance densities indicated in Table 3-3, with the density permitted for each parcel to be identified in the community plans.**

Table 3-1 designates the Project Site as multi-family residential, and Table 3-3 designates the Site as "high density" with a corresponding zone of R5 and [Q]R5, and an allowable density of 110 to 218 dwelling units per acre.

Lot 1 of the Overall Site is approximately 83,402 sf and Lot 2 is approximately 75,106 sf, resulting in an Overall Site area of approximately 158,508 sf or 3.64 acres ("ac"), which, according to Policy 3.7.1, allows between 400.27 to 793.27 residential units. The Skyline is currently developed with 201 residential units. The Met is developed with 270 residential units. The Project proposes 236 residential units. Together, the three residential towers would have a combined 707 residential units, which is within the range of allowable density specified in Policy 3.7.1.

**950 S Flower St.**

Attachment A: Actions Requested, Project Description, and Findings

It should be noted that the Project is located in the Greater Downtown Housing Incentive Area, and pursuant to Zoning Information File ZI No. 2385, the maximum unit per lot area was eliminated, and the density allowed is unlimited within the relevant FAR.

**Policy 3.7.4 Improve the quality of new multi-family dwelling units based on the standards in Chapter 5 Urban Form and Neighborhood Design Chapter of this Element.**

Chapter 5 of the General Plan Framework Element lists goals, objectives, and policies to enhance urban form to create livable communities that are attractive to future investment. Specifically it provides the following policies:

**Policy 5.2.1 Designate centers and districts in locations where activity is already concentrated and/or where good transit service is, or will be provided.**

The Project meets this Policy in two ways. The Project Site is served by the Metro Red Line and the Metro Purple Line; and it is 0.5 miles from the Metro Pico Station and 0.4 miles from the 7th Street/Metro Center station. The Project Site is centrally located and is the quintessential transit oriented site. Per ZI-2452, the Site is designated as a Transit Priority Area in the City of Los Angeles. Further, the Site is surrounded by high-density residential uses. The site is surrounded by a mix of condominiums and apartment units, including two high-density residential buildings on the same Project Site: The Met at 950 S. Flower Street, a 14-story, 270-unit apartment building, and The Skyline at 600 W. 9<sup>th</sup> Street, a 14-story, 201-unit condominium building. To locate a 27-story, 236-unit apartment building at this Project Site, directly across the street from Grand Hope Park, meets this Policy by locating a use where the activity is already concentrated and where good transit service is provided.

**Policy 5.8.1 Buildings in pedestrian-oriented districts and centers should have the following general characteristics:**

- a. An exterior building wall high enough to define the street, create a sense of enclosure, and typically located along the sidewalk;
- b. A building wall more-or-less continuous along the street frontage;
- c. Ground floor building frontage designed to accommodate commercial uses, community facilities, or display cases;
- d. Shops with entrances directly accessible from the sidewalk and located at frequent intervals;
- e. Well-lit exteriors fronting on the sidewalk that provide safety and comfort commensurate with the intended nighttime use, when appropriate;

**950 S Flower St.**

Attachment A: Actions Requested, Project Description, and Findings

- f. Ground floor building walls devoted to display windows or display cases;**
- g. Parking located behind the commercial frontage and screened from view and driveways located on side streets where feasible;**
- h. Inclusion of bicycle parking areas and facilities to reduce the need for vehicular use; and**
- i. The area within 15 feet of the sidewalk may be an arcade that is substantially open to the sidewalk to accommodate outdoor dining or other activities.**

The Project adheres to all of the above general characteristics. The Project is designed with an approximately 17-foot tall podium along S. Hope Street with retail/restaurant uses and a residential lobby lining the entirety of the building frontage. The retail entrances could be accessed from the sidewalk and are located at frequent intervals. The Project is lit with exterior downward facing pedestrian lights to provide safety and comfort during nighttime use. The parking spaces for the Project are provided in an existing four-story underground parking garage, which are not visible from S. Hope Street. Furthermore, the driveways for the parking garage do not gain access from S. Hope Street. Instead, the parking garage relies upon an existing shared driveway on Olympic Boulevard for access. Bicycle parking areas are provided on the ground floor and is accessible from the residential lobby, which not only reduces the need for vehicular use, it also provides an added layer of security for the bicycles to be stored in the bicycle parking area. Lastly, while the Project would not maintain the area within 15 feet of the sidewalk as an arcade as it contradicts Downtown Design Guide's street wall requirement, the Project provides an average sidewalk width of 23 feet along S. Hope Street, contributing to and maintaining the existing pedestrian friendly sidewalk. Further, the Project proposes up to 3,311 sf of outdoor patios in front of the restaurant/retail spaces on S. Hope Street. The outdoor patios would accommodate outdoor dining activities and meet the street activation policy of the General Plan.

Community Plan

In addition to meeting the above General Plan policies, the subject property is located within the area covered by the Central City Community Plan (the "Community Plan"), which was adopted by the City Council on January 8, 2003 (Council File No. 99-0138). The existing Central City Community Plan map designate the property as "High Density Residential" with corresponding zones of R5, which matches the current zoning of the site and the General Plan Land Use Designation of the site. Figure 1, Downtown Neighborhoods & Districts of the Central City Community Plan includes the Project Site in the South Park Area within the Community Plan.

The Community Plan intends to promote the development and improvement of the community to meet its existing and anticipated needs, conditions, and welfare. Specifically, for residential uses, the Community Plan sets forth the following objectives:

**Objective 1-1 To promote development of residential units in South Park.**

ORIGINAL

**950 S Flower St.**

Attachment A: Actions Requested, Project Description, and Findings

The Project fulfills this objective by meeting the zoning of R5 and the General Plan Land Use Designation of High Density Residential by demolishing the existing 15-unit, 3-story office/residential building to construct a high-density, 236-unit, 27-story high-rise residential tower. This would allow the addition of 221 units in the South Park Area.

**V. FINDINGS FOR A MASTER CONDITIONAL USE PERMIT FOR ALCOHOL**

Pursuant to LAMC Section 12.24.W.1, a Master Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an establishment with hours of operation from 7:00 a.m. to 2:00 a.m., and to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with two establishments with hours of operation from 7:00 a.m. to 2:00 a.m. The three restaurant spaces would have a combined floor area of 10,010 sf that consists of 6,699 sf indoors and 3,311 sf outdoors.

**A. THE PROJECT WILL ENHANCE THE BUILT ENVIRONMENT IN THE SURROUNDING NEIGHBORHOOD OR WILL PERFORM A FUNCTION OR PROVIDE A SERVICE THAT IS ESSENTIAL OR BENEFICIAL TO THE COMMUNITY, CITY, OR REGION**

The existing three-story residential/office building was constructed as a part of The Met. The building was intended to provide a few residential and office units above the four-level subterranean garage. However, since its construction in the 1980's, downtown Los Angeles has changed significantly and has become a true urban core where higher density uses and a more environmentally friendly footprint are encouraged. The Subject Site is one of the few remaining low-rise structures in the immediate vicinity. Further, the Subject Site is zoned R5 and has a General Plan land use designation of High Density Residential. It is also within close proximity of the Metro Pico Station for the blue and expo line, the 7th/Metro Center station, and several bus stops. By providing a mere 15 units on a parcel that is both envisioned to be constructed with more residential units and primed for a transit oriented development, the building is in effect contributing to the housing shortage in the neighborhood. The demolition of the building to pave way for the construction of a modern, 27-story residential tower complete with urban green space and 236 residential units would result in an increase in the available housing units in downtown Los Angeles. Replacing a low-rise structure with a building that is more compatible with the surrounding neighborhood in both style and density would also enhance the built environment.

As a part of the overall Project, the Applicant requests a Master Conditional Use Permit to allow three restaurant units on the ground floor to provide on-site consumption of alcoholic beverages to patrons. Specifically, this request would allow the on-sale of a full-line of alcoholic beverages in conjunction with a restaurant, and the on-sale of beer and wine in conjunction with two restaurants. All three restaurants would be on the ground floor with entrances from S. Hope Street, and they would have a combined floor area of 6,699 sf. The ability to sell alcoholic beverages for off-site consumption is not requested as a part of this Conditional Use Permit application as the Applicant is conscious of the fact that the Subject Site is across the street from Grand Hope Park. Nevertheless, the ability to order alcoholic beverages to compliment a meal is often expected at restaurants, so this request, if granted, would increase the

# **EXHIBIT E**

**DEPARTMENT OF  
CITY PLANNING**

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ  
PRESIDENT

RENEE DAKE WILSON  
VICE-PRESIDENT

ROBERT L. AHN

CAROLINE CHOE

RICHARD KATZ

JOHN W. MACK

SAMANTHA MILLMAN

DANA M. PERLMAN

MARTA SEGURA

JAMES K. WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT II  
(213) 978-1300

**CITY OF LOS ANGELES**  
CALIFORNIA



ERIC GARCETTI  
MAYOR

**EXECUTIVE OFFICES**  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

MICHAEL J. LOGRANDE  
DIRECTOR  
(213) 978-1271

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

FAX: (213) 978-1275

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

**CLARIFICATION OF Q CONDITION**

August 3, 2015

**Property Owner / Applicant**

Rossano De Cotiis  
Onni 888 Olive Street, LP  
315 West 9<sup>th</sup> Street, #801  
Los Angeles, CA 90015

**Representative**

Michael Gonzalez  
Gonzales Law Group APC  
333 South Flower Street, #650  
Los Angeles, CA 90071

**Case No.** DIR-2015-2510-CLQ

**CEQA:** ENV-2015-2511-CE

**Location:** 860 and 888 S. Olive Street

**Council District:** 14 - Huizar

**Neighborhood Council:** Downtown Los Angeles

**Community Plan Area:** Central

**Land Use Designation:** High Density Residential

**Zone:** [Q]R5-4D

**Legal Description:** Lots: FR1 (Arb 1 and 2), FR2 (Arb 1 and 2), FR3 (Arb 1, 2, 4, and 5), FR4, FR LT 14 (Arb 4) and Tract: Forthmann and Bergin Tract No. 6.

Lot: FR LT 14 (Arb 4) and Tract: Portion of Block 53 Huber Tract.

Lots: FR LT C, FR LT B (Arb 1) and Tract: Resubdivision of a Portion of Block 53 Huber Tract.

**Last Day to File an Appeal:** August 24, 2015

**DETERMINATION**

Pursuant to Los Angeles Municipal Code Section 12.32 H, as the designee of the Director of Planning, I hereby:

**Approve** the requested Clarification of "Q" Condition No. 5 of Ordinance No. 164,307.

**Adopt** the attached findings.

The project is Categorically Exempt from environmental review pursuant to Article III, Section 1, and Class 1, Category 1 of the City of Los Angeles CEQA Guidelines.

ORIGINAL

## Project Description

Clarification that "Q" Condition No. 5 for Subarea 2025, contained in Ordinance No. 164,307, which changed various zones and height districts to implement the General Plan Consistency Program for the Central City Community Plan, permits health clubs or gyms as permitted uses.

### Clarification:

The Clarification of "Q" Condition No. 5 for Subarea 2025, contained in Ordinance No. 164,307 is that health clubs and gyms are a permitted use, despite the fact that in the C4 Zone, health clubs and gyms are not permitted.

"Q" Condition No. 5 shall now read as follows:

"Any other use permitted in the C4 Zone provided the floor area ratio of such use does not exceed 2:1. Health clubs and gyms are permitted within buildings which were in existence on the lot upon the effective date of this ordinance or within buildings which were built after the effective date of this ordinance, despite the prohibition of such uses in the C4 Zone."

## ADMINISTRATIVE CONDITIONS

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
2. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
3. **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.
4. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
5. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.

6. **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.

### **"Q" CLARIFICATION FINDINGS**

Pursuant to Section 12.32 H of the Municipal Code and City Planning Commission Guidelines, I hereby find the following:

1. **The request is consistent with the City Planning Commissions Guidelines.**

The City Planning Commission's guidelines provide that an Amendment of the T Classification and Clarifications of the Qualified "Q" Classification or Development "D" Limitation may take place under certain circumstances, including:

"g. Clarification of any word or term used in a condition, when such term is not defined in the Municipal Code or the clarification of the intent of any condition that is ambiguous."

"Q" Condition No. 5 for Subarea 2025, contained in Ordinance No. 164,307 requires a clarification of intent because it has been rendered ambiguous by the adoption of a new ordinance. Per the property's "Q" Condition, the property is permitted to contain a variety of uses including that which is allowed within the C4 Zone as of the effective date of Ordinance No. 164,307: January 30, 1989. On December 18, 2005, Ordinance No. 177,103 became effective and amended the permitted uses in the C4 Zone within the City.

Ordinance No. 177,103 does not expressly mention circumstances where adopted and effective "Q" Conditions rely on a list of uses that are later changed. At the time "Q" Condition No. 5 was adopted by the City Council, health clubs and gyms were permitted uses in the C4 Zone. Had the City Council intended to prohibit health clubs and gyms from property regulated by this "Q" Condition, the City Council would have either adopted such language as part of the "Q" Condition or stated in Ordinance No. 177,103 that "Q" Conditions relying on prior C4 Zone uses are now subject to the new permissible C4 Zone uses. However, the City Council did neither of these things. Therefore, this request clarifies that at the time the "Q" Condition was adopted, City Council intended health clubs and gyms as permitted uses on the property.

2. **The amendment or clarification is necessary in order to carry out the intent of the City Council in adopting the T or Q Classification or D Limitation.**

The clarification is necessary because the Amending Ordinance appears to change the restrictions placed upon the property in an unintended manner. The "Q" Conditions for Subarea 2025, contained in Ordinance No. 164,307, which became effective on January 30, 1989, specify that the property must be used for residential purposes, hotels, parking, or any other uses permitted in the C4 Zone. When Ordinance No. 164,307 was adopted, health clubs and

gyms were permitted in the C4 Zone. The allowable uses within the C4 Zone were later changed by Ordinance No. 177,103, which now prohibits health clubs and gyms in the C4 Zone.

When the City Council adopted Ordinance No. 164,307 they did not prohibit health clubs and gyms, intending to allow all C4 Zone uses permissible at the time. Ordinance No. 164,307 does not state that future amendments to the C4 Zone would automatically amend its conditions. Accordingly, it appears clear that the City Council intended to allow health clubs and gym uses on the property. This clarification is needed to express that intent.

- 3. The amendment or clarification would have only a minimal effect on adjacent property and would not result in a significant or substantial deprivation of the property rights of other property owners.**

The clarification of "Q" Condition No. 5 for Subarea 2025, contained in Ordinance No. 164,307 would have little to no effect on adjacent properties. The subject property is currently a surface parking lot that is currently under construction for a 33-story mixed use development with 303 residential units and 11,180 square feet of ground floor commercial/retail space. Neighboring properties include historic structures, low-rise commercial properties, mid-rise mixed use structures and several surface parking lots of which some are currently being developed into high-rise mixed use structures. The subject property has frontage along 9<sup>th</sup> Street, Olive Street and Hill Street. Properties located to the north include surface parking lots, a three-story mixed use structure, a seven-story parking garage, a 13-story vacant office building (Commercial Exchange Building) with potential plans to convert into a hotel and a one-story commercial building with nightclub use. Property located to the southwest, at the northwest corner of 9<sup>th</sup> Street and Hill Street, includes a 12-story commercial structure (Coast Federal Savings Building), which is designated as a City of Los Angeles Historic Cultural Monument (LA-346). Properties located to the south, across 9<sup>th</sup> Street between Olive Street and Hill Street, include a 12-story commercial structure built in 1924 and a one-story commercial structure. Properties located to the west, across Olive Street from 9<sup>th</sup> Street to 8<sup>th</sup> Street, include a surface parking lot and a surface parking lot that is currently under construction for a 27-story mixed use development. Properties located to the east, across Hill Street from 9<sup>th</sup> Street to 8<sup>th</sup> Street, include a surface parking lot, a 12-story commercial structure built in 1932 and a five-story commercial structure (Hamburgers Department Store), which is designated as a City of Los Angeles Historic Cultural Monument (LA-459). The subject property is surrounded by mix of land uses that include commercial and residential, as well as a mix of building types that include low- to high-rise developments.

The "Q" clarification would permit a portion of the ground floor commercial space within the high-rise development currently under construction to operate as a gym, thereby contributing to the economic well-being of the area. The operation would be completely enclosed, eliminating the potential for noise impacts to neighboring properties. As part of the project approval of Case No. ZA-2013-1013-MCUP-ZV-SPR for the subject site, the project provides the 358 required residential parking spaces, 11 required commercial parking spaces, 13 parking spaces on an adjacent site by covenant and agreement as required by Case No. VTT-70371-CN-M1 and 279 non-Code required parking spaces for general use within the new 33-story high-rise development and any potential parking impacts would be unlikely.

Gyms are often used by local residents, which help to increase the neighborhood's walkability and pedestrian activity. Health clubs and gyms are an amenity for communities, providing for the health and well-being of local residents. Gyms are classified as a neighborhood amenity by

the Health Atlas for the City of Los Angeles, prepared by the Los Angeles Department of City Planning in June 2013. The proposed clarification will have little to no effect on adjacent properties and will not result in a significant or substantial deprivation of the property rights of other property owners.

4. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.

Mitigation measures are not necessary for the subject project, and there are no potentially significant negative environmental effects associated with the project. The project is Categorically Exempt from the environmental review pursuant to Article III, Section 1, and Class 21, Category 2 of the City of Los Angeles CEQA Guidelines because the project includes the adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or other entitlement for use or enforcing the general rule, standard or objective.

## **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

## **TRANSFERABILITY**

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

## **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

## **APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

**The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination** unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).

Planning Department public offices are located at:

*Downtown Office*  
*Figueroa Plaza*  
*201 North Figueroa Street, 4<sup>th</sup> Floor*  
*Los Angeles, CA 90012*  
*(213) 482-7077*

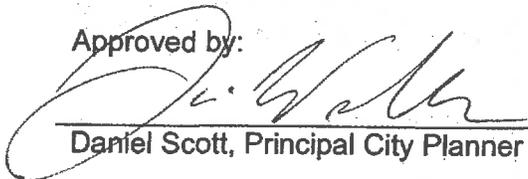
*Valley Office*  
*6262 Van Nuys Boulevard, Suite 251*  
*Van Nuys, CA 91401*  
*(818) 374-5050*

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077 or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

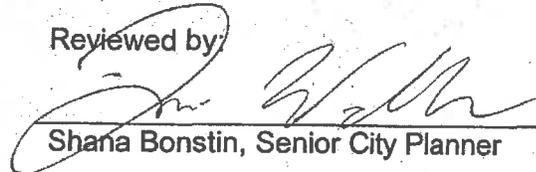
The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Michael J. LoGrande  
Director of Planning

Approved by:

  
Daniel Scott, Principal City Planner

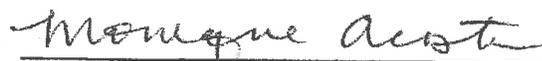
Reviewed by:

  
Shana Bonstin, Senior City Planner

Reviewed by:

  
Blake E. Lamb, City Planner

Prepared by:

  
Monique Acosta, City Planning Associate  
[monique.acosta@lacity.org](mailto:monique.acosta@lacity.org)

# **EXHIBIT F**

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## Amendment to Council "T" Instructions & "Q" or "D" Clarification

Los Angeles Municipal Code Section 12.32 H

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The materials requested in this form must be provided by the applicant as part of the application. The application may be filed at the main office, Planning Department 201 North Figueroa St., 3rd Floor, (213)977-6083; or Valley Office, 6251 Van Nuys Blvd., Van Nuys, (818)756-8596. If filed at the Downtown office, applicants must first obtain a ticket number at the 4th floor Reception Desk. The application will not be considered officially on file until the application is completed and required plans and information are found to fulfill the requirements of the Planning Department.

Please allow sufficient time to complete all filing procedures. Applicants are advised that if filing cases after 4 p.m., it may be necessary to return the following business day to complete the process. Also, call in advance for temporary closures of the counters.

**Amendment to Council Instructions and Clarifications may be considered by the Director of Planning provided they conform to the following guidelines that have been adopted by the City Planning Commission:**

- a. Changes in height which do not exceed five (5) feet.
- b. Changes in floor area which do not exceed three percent of the total gross floor area of a building.
- c. Revisions of setback and open space requirements which do not exceed ten (10) percent of the setback or open space requirement.
- d. Modifications of wall or fence requirements where a change in circumstances no longer justify their necessity.
- e. Modification of "T" procedures or conditions.
- f. Modifications to an approved plot plan or landscape plan, when adherence to such plan is a condition of the zone change. These requests shall be submitted to the Director for determination. Notification shall be given in the same manner as for a Director's determination.
- g. Clarification of any word or term used in a condition, when such term is not defined in the Municipal Code or the clarification of the intent of any condition that is ambiguous.

### FILING REQUIREMENTS:

**1. Master Land Use Permit Application [CP-7771]**

**2. Supplemental Materials**

- a. Radius Map: One original + 7 copies full size (see "Radius Map Requirements" from Station 21);  
One copy of 8½" x 11" reduction.
- b. Copy of City's Zone District Map (identify the subject property).
- c. Photocopy of owner/occupant list for 300-foot radius. (List must provide at least 20 different owners)
- d. BTC fee paid and a copy of receipt provided. (BTC information sheet available at public counter.)
- e. *For Amendments to Council "T" Instructions:*
  - 1) Copy of the Council Instructions ("T" conditions)
- f. *For "Q" or "D" Clarifications:*
  - 1) Copy of the published Ordinance.
  - 2) Seven (7) full size copies of plot plan; one copy reduced to 8½" x 11" format.

**3. Environmental Clearance** will be required if the previous clearance is more than three years old and/or the request exceeds the previous project description or the zoning restrictions by more than 10 percent.

**4. A Filing Fee** shall be paid at the time of filing the application (L.A.M.C. Section 19.01).

<b>\$1,528</b>	(\$1,364 + oss + ds + os)	Amendments to Council "T" Instructions
<b>\$ 426</b>	(\$ 380 + oss + ds + os)	Clarifications of "Q" or "D" conditions

# **EXHIBIT G**

888 S Olive St

Bldg-Alter/Repair

Commercial

Regular Plan Check

City of Los Angeles - Department of Building and Safety

17016 - 10000 - 04924

CLEARANCE SUMMARY WORKSHEET

Permit Application #: 17016 - 10000 - 04924  
Plan Check #: B17LA03214FO  
Plans Filed in: METRO  
Printed On: 12/19/17 09:00:30

**IMPORTANT:** This summary documents the clearance(s) required prior to permit issuance. Most clearance(s) are granted electronically, however this form will also be completed so that in the event of a computer outage, there is evidence of the clearance action(s). Keep this form with all other documents necessary to obtain the permit.

**INSTRUCTIONS**

**APPLICANT/REPRESENTATIVE:** You are advised to initiate the approval process for the following permit application clearance(s) marked as "Not Cleared" as soon as possible, in order to allow adequate time to obtain the approvals. Certain departments (such as the Department of City Planning) may require additional plan review and approval process, which may include mandatory appeal periods. The address and phone number of the specific agency corresponding to the "Address Code:" shown for each clearance is indicated at the end of this form and it is recommended that you call before appearing in person. Remember to bring a copy of the permit application to the clearance agency for their reference. A "Cleared" condition requires no further action on your part.

**CLEARANCE AGENCIES:** For city agencies, perform electronic clearance action(s) using PCIS and complete this form. For non-city agencies or PCIS outages, complete this form.

Description of Work: CHANGE OF USE FOR PORTION OF (E) APARTMENT BUILDING TO TRANSIENT OCCUPANCY RESIDENTIAL STRUCTURE AT LEVEL 5-12 AND 28 FOR 97 UNITS. NO CONSTRUCTION OR CHANGE IN UNIT LAYOUT. (5) H/C RESTROOM UPGRADE.

Building & Safety Contact  
Plan Check Office: METRO  
PC Engineer: Joe Vo

ORIGINAL

**Clearance Description and New Status**

Status	Agency	Address Code	Electronic Clearance	By	Date	Phone	Description
Cleared	Bureau of Engineering	1	<input checked="" type="checkbox"/>	CMORENO	05/02/17		Description: The fee authorized by Ord. 176,300 for PW/Eng to process clearance(s) for LADBS issued permits
Cleared	Bureau of Engineering	1	<input checked="" type="checkbox"/>	CMORENO	06/05/17		Description: Sewer availability and connection
Cleared	City Planning Department	2	<input checked="" type="checkbox"/>	JRAMOS	04/18/17		Description: "D" conditions per 12.32 G.4 (only for FAR, height and yard issues)

Comments: Approved with conditions. PLAN CHECKER TO VERIFY THE FLOOR AREA CONTAINED IN ALL BUILDINGS ON THE LOT SHALL NOT EXCEED SIX(6) TIMES THE BUILDABLE AREA FOR THE CHANGE OF USE. D LIMITATIONS. The total floor area contained in all buildings on a lot shall not exceed six(6) times the buildable area of lot

Cleared	<b>Agency: City Planning Department</b> <b>Address Code: 2</b> <b>Electronic Clearance</b> <input checked="" type="checkbox"/> <b>By: JRAMOS</b> <b>Comments:</b> Approved with conditions. "Q Condition allows for Hotels, Motels, and Apartment Hotels in the R5 zone.	<b>Description:</b> "Q" conditions per 12.32G.2 (Qualified classification) <b>Date:</b> 04/18/17 <b>Phone:</b>
Cleared	<b>Agency: City Planning Department</b> <b>Address Code: 2</b> <b>Electronic Clearance</b> <input checked="" type="checkbox"/> <b>By: JRAMOS</b> <b>Comments:</b> Q CLARIFICATION TO ALLOW TRANSIENT OCCUPANCY RESIDENTIAL STRUCTURE AS A BYRIGHT USE PER ORD-164307-SAZ025. "Q" Condition intended to include Transient Occupancy Residential Use. Approved as Transient Occupancy Residential Structure per review and authorization by Charlie Rausch email dated May/23, 2017 to Dale Goldsmith	<b>Description:</b> "Q" conditions per 12.32G.2 (Qualified classification) <b>Date:</b> 05/30/17 <b>Phone:</b>
Cleared	<b>Agency: City Planning Department</b> <b>Address Code: 2</b> <b>Electronic Clearance</b> <input checked="" type="checkbox"/> <b>By: JRAMOS</b> <b>Comments:</b> APPROVAL REQUIRES A CONDITIONAL USE PERMIT 12.24W24(C). TRANSIENT OCCUPANCY RESIDENTIAL STRUCTURE IS NOT A PERMITTED USE UNDER SECTION 12.12. Approved as Transient Occupancy Residential Structure per review and authorization by Charlie Rausch email dated May/23, 2017 to Dale Goldsmith	<b>Description:</b> Discretionary Approval for: 12.24W24(C) <b>Date:</b> 05/30/17 <b>Phone:</b>
Cleared	<b>Agency: City Planning Department</b> <b>Address Code: 2</b> <b>Electronic Clearance</b> <input checked="" type="checkbox"/> <b>By: JRAMOS</b> <b>Comments:</b> Not applicable to the proposed scope of work different address.	<b>Description:</b> VTT-70371-CN <b>Date:</b> 04/18/17 <b>Phone:</b>
Cleared	<b>Agency: City Planning Department</b> <b>Address Code: 2</b> <b>Electronic Clearance</b> <input checked="" type="checkbox"/> <b>By: JRAMOS</b> <b>Comments:</b> Not applicable to the proposed scope of work different address.	<b>Description:</b> AA-2004-1261-PMEX <b>Date:</b> 04/18/17 <b>Phone:</b>
Cleared	<b>Agency: City Planning Department</b> <b>Address Code: 2</b> <b>Electronic Clearance</b> <input checked="" type="checkbox"/> <b>By: JRAMOS</b> <b>Comments:</b> Not applicable to the proposed scope of work different address.	<b>Description:</b> Zoning Administrator Case #: ZA-2013-1013-MCUP-ZV-SOR <b>Date:</b> 04/18/17 <b>Phone:</b>
Cleared	<b>Agency: City Planning Department</b> <b>Address Code: 2</b> <b>Electronic Clearance</b> <input checked="" type="checkbox"/> <b>By: JRAMOS</b> <b>Comments:</b> Not applicable to the proposed scope of work. THE Q CONDITION WAS ENACTED	<b>Description:</b> Zoning Administrator Case #: DIR-2015-2510-CLQ <b>Date:</b> 04/18/17 <b>Phone:</b>

ORIGINAL

Cleared	Agency: City Planning Department Address Code: 2 Electronic Clearance <input checked="" type="checkbox"/> By: JRAMOS Comments: Not applicable to the proposed scope of work different address.	Description: Zoning Administrator Case #: DIR-2008-2600-SPP Date: 04/18/17 Phone:
Cleared	Agency: Department of Building and Safety Address Code: 4 Electronic Clearance <input checked="" type="checkbox"/> By: JDVO Comments: 1. No change in existing, accessible parking count. Eighteen (18) Existing accessible parking stalls to remain, Reference Permit #11010-10-02275. 2. A Total of Five (5) guest rooms with Mobility Features provided, 4 with tubs & 1 R.I. shower; Nine (9) guest rooms with communication features provided	Description: Condition of Approval of Disabled Access corrections Date: 06/13/17 Phone:
Cleared	Agency: Los Angeles Fire Department Address Code: 5 Electronic Clearance <input checked="" type="checkbox"/> By: DMEDINA Comments:	Description: Fire Marshall Fire Life Safety Projects Date: 06/13/17 Phone:
Cleared	Agency: Los Angeles Fire Department Address Code: 5 Electronic Clearance <input checked="" type="checkbox"/> By: JCONNEL Comments:	Description: Hydrants and access around building Date: 05/02/17 Phone:
Cleared	Agency: Community Redevelopment Agency Address Code: 8 Electronic Clearance <input checked="" type="checkbox"/> By: CBULLOCK Comments:	Description: Project located in CRA Area: CITY CENTER Date: 05/11/17 Phone:
Cleared	Agency: Los Angeles Housing Department Address Code: 16 Electronic Clearance <input checked="" type="checkbox"/> By: JPMCDEVIT Comments: Non RSO Building no thp required.	Description: Tenant Habitability Plan per Ordinance# 176,544 Date: 04/18/17 Phone:

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End of Clearance(s) for 17016 - 10000 - 04924. Refer to "ADDRESS CODES" sheet for clearance agency address/phone information.

# EXHIBIT H

**GIDEON KRACOV**

Attorney at Law

801 South Grand Avenue  
11th Floor  
Los Angeles, California 90017

(213) 629-2071  
Fax: (213) 623-7755

gk@gideonlaw.net  
www.gideonlaw.net

November 8, 2017

Vincent Bertoni, Director  
City Planning Department  
City of Los Angeles  
200 North Spring Street  
Los Angeles, CA 90012-2601

**RE: Request to Investigate Unlawful Hotel Use at Onni Group's Level Furnished Living  
(840-888 S. Olive St.)**

Dear Director Bertoni:

At the request of Unite HERE Local 11 ("Local 11"), this Office writes to ask the City of Los Angeles ("City") to investigate the legal status of the property located at 840-888 S. Olive Street and 321 W. 9<sup>th</sup> Street (APN 5144018051) known as "Level Furnished Living" ("Property"), believed by Local 11 to be illegally operated as a short-term rental hotel use by the Onni Group ("Onni"). The Property is openly advertised and used as a short-term rental hotel and pays transit occupancy tax.<sup>1, 2</sup>

The Property has been subject to several land use entitlements in recent years, including Site Plan Review ("SPR") approved in 2009 and extended in 2010, 2012, and 2014 to allow construction and maintenance of a new mixed-use development that includes 283 residential condo units (DIR-2008-2600-SPR-EXT3);<sup>3</sup> a Master Conditional Use Permit, Zone Variance, and SPR approved in 2013 and extended in 2014 to allow the construction of 303 residential and seven commercial condo units (ZA-2013-1013-MCUP-ZV-SPR-EXT),<sup>4</sup> collectively "Entitlements." These Entitlements were approved in reliance of the Project's mitigated negative declaration ("MND") prepared pursuant to the California Environmental Quality Act ("CEQA"), Pub. Res. Code § 21000 *et seq.*, cleared in May 2009 and again in June 2013 on reconsideration (ENV-2008-2573-MND-REC1),<sup>5</sup> collectively "Environmental Review."

<sup>1</sup> See screenshots of Level Furnished Living website attached hereto as Exhibit A.

<sup>2</sup> City's Office of Finance TOT Record attached hereto as Exhibit B, p. 2.

<sup>3</sup> Letter of Determination dated Jul. 24, 2009 ("2009 LOD") available at <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/NTk00TBjZTEtN2FjYy00YTdlLWFiMTEtYjkyMGUzYmZjZWY40>.

<sup>4</sup> Letter of Determination dated July 30, 2013 ("2013 LOD") available at <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZDIzY2Y4MmUtOTc2MS00ZTViLTgxYjMtZWFiMmUxNDg2NjU000>; see also LADCP Case Information (stating extension dated filed May 2014 and subsequently granted) available at <http://planning.lacity.org/caseinfo/casesummary.aspx?case=ZA-2013-1013-MCUP-ZV-SPR-EXT>.

<sup>5</sup> LADCP Case Summary for ENV-2008-2573-MND and ENV-2008-2573-MND-REC1, available at <http://planning.lacity.org/caseinfo/casesummary.aspx?case=ENV-2008-2573-MND%20> and <http://planning.lacity.org/caseinfo/casesummary.aspx?case=ENV-2008-2573-MND-REC1> (respectively).



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***The Property's Entitlements and Environmental Review never mention the potential use as a hotel. Rather, the City specifically relied upon the Property's residential nature to make the necessary findings under the City Code.*** Neither of the Letter of Determinations ("LOD(s)") issued by the Department of City Planning ("LADCP") related to the Entitlements, nor documents related to its Environmental Review<sup>6</sup> mention the Property's potential use as a short-term rental or hotel, much less making the requisite findings in support thereof.

Instead, both the Environmental Review and the Entitlements' land use findings required under the Los Angeles Municipal Code ("LAMC" or "Code") specifically relied upon the Property's future "residential" use, such as:

- parking requirements based on "residential" units and guests;<sup>7</sup>
- land use findings based upon "housing" needs and Property's "residential" nature;<sup>8</sup>
- consistency with General Plan and Central City Community Plan goals, policies and objectives related to promoting "residential units in South Park," increasing the "range of housing choices available to Downtown employees and residents," fostering residential developments that "accommodate a full range of incomes;"<sup>9</sup> and
- citing the "growing demand for housing" and the "Greater Downtown Housing Incentive Ordinance" to justify the requested entitlements.<sup>10</sup>

***The Property, therefore, appears to be unlawfully operating without a Certificate of Occupancy for any hotel use.*** Upon an online search of building records issued by the City's Department of Building and Safety ("LADBS"),<sup>11</sup> the Property has been issued numerous temporary Certificate of Occupancy ("CofO") including "change of use from retail to fitness center and office [and] interior remodel to existing commercial space" in September 2016, March 2017, and September 2017;<sup>12</sup> and a temporary CofO for "new high-rise mixed use, apartment & commercial building" in December 2016, June 2017, and October 2017.<sup>13</sup> However, unlike similar nearby establishments, this Office can locate no CofO for hotel use for the Property.<sup>14</sup> In fact, a hotel use at this site may have required a special Conditional Use Permit under LAMC § 12.24-W.24.

Using the Property for an unpermitted use is unlawful under the Code. See LAMC §§ 91.103.1, 12.26-E, 12.21-A.1. Additionally, making "false statements" and failing to "disclose a material fact" – like the intent to operate as a short-term rental and or hotel use – is also unlawful. See LAMC §§ 91.103.4, 91.106.4.4.2.

<sup>6</sup> Limited MND documents available online, including the mitigation measures and initial study ("MM/IS") available at <http://cityplanning.lacity.org/staffrpt/mnd/ENV-2008-2573.pdf>.

<sup>7</sup> 2009 LOD, pp. 2, 15; see also 2013 LOD, pp. 17, 29.

<sup>8</sup> 2009 LOD, pp. 17-20; see also 2013 LOD, pp. 23-30; MM/IS, pp. 9, 21, 23, 25.

<sup>9</sup> 2009 LOD, pp. 15-16; see also 2013 LOD, pp. 24-25.

<sup>10</sup> 2013 LOD, pp. 22, 23, 25, 26, 27; see also MM/IS, p. 24

<sup>11</sup> See LADBS website, searching APN 5144018051, available at <http://ladbsdoc.lacity.org/IDISPublicRecords/idis/DocumentSearchSelection.aspx>.

<sup>12</sup> LADBS, Record IDs 58196996, 62384792, 69812826.

<sup>13</sup> LADBS, Record IDs 59500921, 67410426, 69824788.

<sup>14</sup> For example, the Ace Hotel is a 183-room hotel and theater operation permitted to sell alcohol for onsite consumption is located at 921-933 S. Broadway (appx. ¼ mile from Property), entitled in 2013 under ZA-2012-2128-CUB-CUX and listed as a related project for the Property's Entitlements (see 2013 LOD, p. 14), and was issued in June 2014 a CofO for the primary use as a "Hotel" in connection with an adaptive reuse project to "convert existing office into a 182-room hotel" (see LADBS Permit # 12016-10010-00748).



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Failure to disclose the actual end-use of the Property during its entitlements and operations invalidates the Code-required findings part of the Property's Entitlements, distorts the Environmental Review under CEQA, and inconsistent with its CofO. For these reasons, the City has adequate grounds to investigate and demand an explanation by Onni for the Property's seemingly unlawful operations.

Thank you for your consideration. Please contact me at 213-629-2071 to discuss this request that the City investigate the use of the Property.

Sincerely,



Gideon Kracov  
Attorney for Local 11

ATTM. EXHIBIT A: Level Furnished Living website screenshots  
EXHIBIT B: City's Office of Finance TOT Record



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**EXHIBIT A: Level Furnished Living website screenshots**

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Los Angeles - Downtown

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213.873.8400 dila@stayinglevel.com

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# Furnished apartments in Downtown Los Angeles.

Amid glittering towers and Art Deco facades, you'll find LEVEL LA's furnished apartments for rent with flawless hospitality-style service. Experience a stay that will feel closer to home than you can imagine.

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## An artful blend between a luxury apartment and a boutique hotel.

Our one, two, or three bedroom suites have something for everyone.



**One Bedroom**  
 Spacious suite with breathtaking city views  
 710-870 sq. ft.  
 Sleeps up to 4 people (max. 3 adults)



**Two Bedroom**  
 Great for friends, co-workers, or entertaining.  
 850-1,250 sq.ft.  
 Sleeps up to 6 people (max. 5 adults)



**Three Bedroom**  
 Overstated suites, perfect for families.  
 1,500-2,100 sq.ft.  
 Sleeps up to 6 people



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WEEKLY HOUSEKEEPING



UNDERGROUND VALET PARKING (FEES APPLY)



PET FRIENDLY WITH DOG RUN

See All Accommodations

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## Nightly & Monthly Short-Term Apartments in LA

From nightly stays to month-to-month leases, at LEVEL we accommodate any duration of stay. Our short term apartment rentals in Los Angeles are ideal if you've been temporarily relocated for work, need somewhere to stay in between moves or renovations, or in the case of any housing emergency. All suites are self-sufficient and move-in ready with a fully equipped kitchen, washer and dryer, and air conditioning unit. From floor-to-ceiling glass windows, open-air balconies, and custom designed furniture, it's easy to make yourself comfortable in our inviting suites.

Our concierge team is ready to make you feel at home no matter the length of your stay. With 24-hour services including secured underground valet parking, our team always has your convenience in mind. No need to worry about additional Internet or cable charges, as both are complimentary in your suite.

Our non-smoking property includes on-site maintenance from 8:30 am until 11:00 pm, as well as weekly housekeeping between 8:00 am and 8:00 pm. Your four-legged friends are welcome too! As a pet-friendly property, we even have a fully-fenced area for your dog.



Whether you're staying for a night or a couple of months, take advantage of the L Club, a 37,000 square foot indoor & outdoor space of amazing amenities. Escape the Los Angeles heat with a dip in our 87' rooftop pool, or relax poolside in our cabanas and chaise lounges. After a long day of travel or a busy day at the office, unwind in our steam room and sauna, or head outside to the hot tub. When you've worked up an appetite, take in the exclusive DTLA views from our outdoor dining area while you grill up a feast on the BBQ.



Want to work up a sweat? Our 24-hour fitness facility is fully outfitted with state-of-the-art equipment. Get a jump on your game in our outdoor basketball court, where you can get to know your neighbors in pick-up game. If you want to take it up a notch, head next door to the popular spin studio SoulCycle, located just beside our lobby.

For more information on rates and availability on short-term accommodations, including nightly stays or month-to-month residences, [contact us](#) today.

[Book Now](#)

**VISIT US**  
 888 S. Olive St  
 Los Angeles, CA  
 90014  
 213.873.8400  
[dta@stayinglevel.com](mailto:dta@stayinglevel.com)

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**EXHIBIT B: City's Office of Finance TOT Record**

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**City of Los Angeles  
Office of Finance - LATAX  
Master Listing**

<b>Legal Name</b>	<b>Business Type</b>	<b>Enforcement District</b>
<b>Business Address</b>	<b>Primary SIC/NAICS</b>	<b>Empowerment Zone</b>
<b>Business Phone</b>	<b>Secondary SIC/NAICS</b>	<b>Council District</b>

**FUND/CLASS: H012 Trans Occupancy Tax**

0000069691-0001-9-H012	KAREN L HATHAWAY/THE LOS ANGELES ATHLETIC CLUB INC ET	Partnership	Enforcement District E
	431 W 7TH STREET	00000 / 531100	No Zone
	LOS ANGELES, CA 90014-1601	00000 /	Council District 9

<b>FCC</b>	<b>FCC Status</b>	<b>Permit Status/Tax Period</b>	<b>SIC Code</b>	<b>NAICS Code</b>	<b>Start Date</b>	<b>OB Date</b>	<b>Liab Date</b>	<b>DBA Name</b>
H012	Active	None			01/01/2005			

**FUND/CLASS: H012 Trans Occupancy Tax**

0002925132-0001-4-H012	YSHRE LA LLC	Limited Liability Company	Enforcement District E
	416 W 8TH STREET	/	No Zone
	LOS ANGELES, CA 90014-3002	/ 0	Council District 14

<b>FCC</b>	<b>FCC Status</b>	<b>Permit Status/Tax Period</b>	<b>SIC Code</b>	<b>NAICS Code</b>	<b>Start Date</b>	<b>OB Date</b>	<b>Liab Date</b>	<b>DBA Name</b>
H012	Active	None	0	721100	01/15/2017			FREEHAND LOS ANGELES

**Mailing Address**  
527 W 7TH STREET FLOOR #12  
LOS ANGELES, CA 90014-2503

**FUND/CLASS: H012 Trans Occupancy Tax**

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<b>FCC Account Number</b>	0002925134-0001-3-H012	<b>Legal Name</b>	649 SOUTH OLIVE LLC	<b>Business Type</b>	Limited Liability Company	<b>Enforcement District</b>	Enforcement District E
		<b>Business Address</b>	649 S OLIVE STREET	<b>Primary SIC/NAICS</b>	/	<b>Empowerment Zone</b>	No Zone
		<b>Business Phone</b>	LOS ANGELES, CA 90014-1635	<b>Secondary SIC/NAICS</b>	/ 0	<b>Council District</b>	Council District 14
<b>FCC</b>	<b>FCC Status</b>	<b>Permit Status/Tax Period</b>	<b>SIC Code</b>	<b>NAICS Code</b>	<b>OB Date</b>	<b>Liab Date</b>	<b>DBA Name</b>
H012	Active	None			10/01/2016		NOMAD LOS ANGELES
							<b>Mailing Address</b>
							527 W 7TH STREET FLOOR #12
							LOS ANGELES, CA 90014-2503

**FUND/CLASS: H012 Trans Occupancy Tax**

0002828781-0001-3-H012	888 OLIVE STREET LIMITED PARTNERSHIP	Partnership	Enforcement District E
	888 S OLIVE STREET	/ 531310	No Zone
	LOS ANGELES, CA 90014-3006	/ 0	Council District 14

<b>FCC</b>	<b>FCC Status</b>	<b>Permit Status/Tax Period</b>	<b>SIC Code</b>	<b>NAICS Code</b>	<b>OB Date</b>	<b>Liab Date</b>	<b>DBA Name</b>
H012	Active	None			06/01/2015		
							<b>Mailing Address</b>
							2200 E CAMELBACK ROAD SUITE #225
							PHOENIX, AZ 85016-3488

**FUND/CLASS: H012 Trans Occupancy Tax**

0003007379-0001-4-H012	612 12TH LLC	Limited Liability Company	Enforcement District E
	606 S OLIVE STREET SUITE #1020	/ 0	No Zone
	LOS ANGELES, CA 90014-1665	/ 0	Council District 14

<b>FCC</b>	<b>FCC Status</b>	<b>Permit Status/Tax Period</b>	<b>SIC Code</b>	<b>NAICS Code</b>	<b>OB Date</b>	<b>Liab Date</b>	<b>DBA Name</b>
H012	Active	None			12/23/2016		
							<b>Mailing Address</b>
							606 S OLIVE STREET OFFICE #1020
							LOS ANGELES, CA 90014-1665

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Legal Name  
Business Address  
Business Phone

Business Type  
Primary SIC/NAICS  
Secondary SIC/NAICS  
Enforcement District  
Empowerment Zone  
Council District

**FUND/CLASS: H012 Trans Occupancy Tax**

0002941138-0001-5-H012 TUCK VENTURES LLC Limited Liability Company Enforcement District E  
820 S SPRING STREET / No Zone  
LOS ANGELES, CA 90014-2904 / 0 Council District 14

FCC	FCC Status	Permit Status/Tax Period	SIC Code	NAICS Code	Start Date	OB Date	Liab Date	DBA Name
H012	Active	None			10/21/2016			TUCK HOTEL

Count of FCC Account Numbers: 6

\*\*\*\*\* END OF REPORT \*\*\*\*\*

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# **EXHIBIT I**

# Check Out Downtown's \$200 Million Corporate Housing Tower

 [downtownnews.com/algo.html](http://downtownnews.com/algo.html)

By Heidi Kulicke

July 7, 2015



DOWNTOWN LOS ANGELES - The developers of most Downtown Los Angeles apartment projects are looking for one thing: consistency. After all, the key to profits is having buildings filled, and the most logical way to filling them is to get tenants who stay for a year or two, and potentially much longer.

[BE THE FIRST TO READ THE LATEST DOWNTOWN NEWS, FOOD AND CULTURE STORIES. CLICK HERE AND SIGN UP FOR OUR DAILY HEADLINES NEWSLETTER.](#)

Vancouver, Canada-based developer Onni Group is banking on something different with its new Central City project. It expects people to stay for a relatively short time, generally one to three months, and then leave.

While that is counter to the prevailing trend, one factor helps Onni's bottom line: rents for fully furnished units with hotel-like services that start at \$5,000 a month.

Onni's Level Furnished Living opened at 888 S. Olive St. last month. The 33-story steel and glass building features 303 one- to three-bedroom residences. It is pitched to corporate travelers who are in town for a convention or work assignment, said Javier Cepeda, regional vice president of Level Furnished Living.

"People don't want to feel like they're living out of a suitcase," Cepeda said. "They want the option of a home-cooked meal and a place they can bring their kids to visit."

Los Angeles is the second location for a Level Furnished Living project. The first was a 187-unit development in Vancouver that opened in 2009. Onni intends to add buildings in the United States and Canada, Cepeda said.

He said the revival in Downtown and across the rest of L.A. prompted Onni to invest in the Central City. The company has two other nearby Downtown projects in the pipeline. One is planned to become a traditional apartment building, while the other will likely be a mixed-use retail and office space, Cepeda said.

"We learned that lots of people were moving here, or are here for work projects," Cepeda said. "Extended-stay hotels have proven to be ineffective, so we decided to create living spaces that feel like home."

## High-End Touches

Each Level residence has a fully outfitted kitchen, bedroom, bathroom and living area. Appliances are high-end brands such as Sub Zero and Bosch.

Every apartment has a private balcony with patio furniture, as well as a washer and dryer complete with soaps and detergents. Utilities, cable TV, high-speed wireless Internet, local phone calls on a cordless phone and weekly housekeeping service are included.

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There is a 50-inch TV in every living room and a 40-inch television in all bedrooms. Those who book at Level can bring along their dogs and cats.

There are 600 parking spaces, four meeting rooms and a ground-floor lounge area known as the L Club (it includes a restaurant-grade kitchen to prepare food for large parties). Other amenities include a 70-foot outdoor pool on the ground level, along with a hot tub, lounging area and cabanas.

Also outside are steam and sauna rooms, a full-size basketball court and a barbecue area, along with a game room with ping-pong, billiards, shuffleboard and more.

An indoor gym opens up to a patio, which may have additional exercise equipment or be used for yoga classes and outdoor movie screenings, said Cepeda.

The project has impressed Vancouver resident Nicole Jones and her daughter Ashley. Ashley is attending USC this fall and the two came down early to look for housing.

"All of the hotels were booked up in the area, and we stumbled across Level," Jones said. "Everyone was so nice and accommodating and they got us a room with just one day's notice."

Level's flexibility appealed to Jorge Caamano, a Washington, D.C. resident and travel director with Black Entertainment Television. Caamano flew to Los Angeles for the [BET Experience](#) that took place at L.A. Live in late June. He needed a place to stay for nine days.

"Most corporate housing places require at least a month-long stay, but Level is flexible with short-term stays," Caamano said. "That was a big plus for me."

Caamano complimented the service at the building, calling it "impressive," and a big reason why he would return. He also raved about the location in the heart of Downtown.

Cepeda said that in addition to corporate clients, he anticipates business from students attending USC and FIDM. Level has already signed a few year-long leases, he added.

Onni isn't the first company to figure out that there's an appetite for corporate housing in Downtown. The TenTen Wilshire building opened in City West in 2008 and offers 227 furnished one to three-bedroom residences with hotel-like amenities.

[TenTen Wilshire](#) has a mix of corporate clients, retirees, families and students, said Kevin Kashanian, an account manager with the building. He said demand for this type of housing in Downtown is huge.

Kashanian said TenTen Wilshire has a year-round occupancy rate of 95%-100%. That includes some tenants who have been there since the building opened.

Kashanian said corporate clients appreciate the setup, which is more comfortable than a hotel and allows for an easily accessible live-work-play balance.

"People love having everything in the same building," Kashanian said. "They don't need to leave to go to the office, work out or do laundry. We have it all."

TenTen Wilshire's track record indicates the potential Level Furnished Living could achieve. Cepeda said he hopes to have 100% occupancy by the end of summer, if not sooner.

[heidi@downtownnews.com](mailto:heidi@downtownnews.com)

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## Get a Fresh Take on Extended Stays in Downtown Los Angeles.

Downtown Los Angeles is undergoing a renaissance. It's an area teeming with creativity, and the epicenter of world-class dining and entertainment scenes. Amid glittering towers and Art Deco facades, you'll find LEVEL Furnished Living in downtown Los Angeles - furnished luxury apartments combining unrivalled comfort with flawless hotel-style service.

Sure to become one of the area's most talked-about accommodations, LEVEL Furnished Living offers thoughtfully designed suites you'll never want to leave in, a neighborhood too electrifying to ignore. Whether you're here for business or pleasure, think of us as a soothing respite from the bustling city during your extended stay in Los Angeles.



I'm looking for



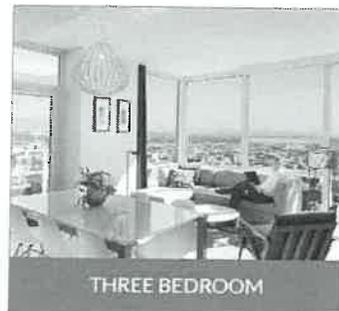
ONE BEDROOM

Located throughout LEVEL DTLA, these spacious suites offer breathtaking city views.



TWO BEDROOM

These well-appointed suites are perfect for friends, co-workers, or those who like to entertain.



THREE BEDROOM

You and your family can experience LEVEL DTLA together, in an oversized three bedroom suite.

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# **EXHIBIT J**

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

888 S. Olive St  
DOT Case No. CEN 13-41068

Date: May 6, 2013

To: Karen Hoo, City Planner  
Department of City Planning

From:  Tomas Carranza, Senior Transportation Engineer  
Department of Transportation

Subject: **REVISED TRAFFIC IMPACT ANALYSIS FOR THE PROPOSED MIXED-USE PROJECT LOCATED AT 888 SOUTH OLIVE STREET**

The Department of Transportation (DOT) has reviewed the supplemental traffic analysis, dated April 2, 2013, and prepared by The Mobility Group, for the proposed mixed-use project located on the northeast corner of 9<sup>th</sup> Street and Olive Street. The original project scope was the subject of a traffic study prepared in May 2008 and of a DOT report dated November 20, 2008. Previously, the project proposed 283 condominium units and 9,680 square-feet of restaurant space. The project was modified in a revised analysis dated January 27, 2009, and 1,500 square-feet of retail use was added. The project has now been revised again and proposes to construct 303 condominium units - no changes are proposed to the restaurant square footage or retail use.

The supplemental analysis indicates that the change in the project's scope would not result in any significant traffic impacts and that DOT's original findings are still valid. According to the traffic impact study from May 2008, the original project was not expected to result in any significant traffic impacts at the 22 intersections identified for detailed analysis. The revised project is estimated to generate 3,007 net new daily trips, 245 net new trips in the a.m. peak hour and 264 net new trips in the p.m. peak hour.<sup>1</sup> The revised project's trip generation represents a minor increase to the original trip generation. The supplemental traffic analysis adequately evaluated the revised project's impacts on the surrounding community.

DOT concurs with the findings of the supplemental traffic analysis. **All of the project requirements that are identified in DOT's original letter, dated November 20, 2008 (attached for reference), should remain in effect.** However, please note that the highway dedication recommendations referred to in the original letter have now been officially adopted by the City Council. Also, DOT would like to add the following requirement:

Development Review Fees

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los

<sup>1</sup>Since the original study was submitted, the Institute of Transportation Engineers published a new trip generation manual (*Trip Generation, 9<sup>th</sup> Edition*). However, the differences in the trip generation rates between the manual used for the original traffic analysis and the new manual are negligible.

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Karen Hoo

-2-

May 6, 2013

Angeles City Council in 2009. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance

If you have any questions, please contact Wes Pringle of my staff at (213) 972-8482.

s:\letters\CEN13-41068\_888 olive\_rev prof.wpd

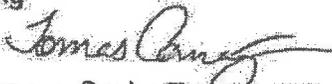
Attachment (DOT Project Assessment Report dated November 20, 2008)

c: Tanner Blackman, Council District No. 14  
Mehrdad Moshksar, Central District, DOT  
Taimour Tanavoli, Citywide Planning Coordination Section, DOT  
Carl Mills, Central District, BOE  
Matthew Simons, The Mobility Group

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CITY OF LOS ANGELES  
INTER-DEPARTMENTAL CORRESPONDENCE

860 S. Olive St  
DOT Case No. CEN 07-4297

Date: November 20, 2008  
To: Hadar Plafkin, City Planner  
City Planning  
From:   
Tomas Carranza, Senior Transportation Engineer  
Department of Transportation  
Subject: TRAFFIC IMPACT STUDY FOR THE PROPOSED MIXED-USE  
DEVELOPMENT AT THE NORTHEAST CORNER OF 9<sup>TH</sup> STREET AND  
OLIVE STREET

The Department of Transportation (DOT) has reviewed the traffic study, prepared by Hirsch/Green Transportation Consulting, dated May 2008, for a proposed mixed-use project located at the northeast corner of 9<sup>th</sup> Street and Olive Street. Based on DOT's current traffic impact criteria<sup>1</sup>, the proposed project is not expected to result in any significant traffic impacts at the 22 intersections that were identified for detailed analysis. The results of the traffic impact analysis are listed in Attachment 1. Except as noted, the study adequately evaluated the project-related traffic impacts on the surrounding community.

**DISCUSSION AND FINDINGS**

**A. Project Description**

The proposed project consists of constructing 283 condominium units and 9,680 square-feet of restaurant use. The site is currently occupied by a surface parking lot that will be replaced by the proposed project. The study indicated that 284 parking spaces will be provided in subterranean and surface parking within the main building and 385 parking spaces will be provided in an adjacent subterranean and surface parking structure, for a total of 669 parking spaces. Access to the project is proposed via one two-way driveway on Olive Street and one two-way driveway on Hill Street. The project is expected to be completed by Year 2014.

<sup>1</sup>Per the DOT Traffic Study Policies and Procedures Revised March, 2002, a significant impact is identified as an increase in the Critical Movement Analysis (CMA) value, due to project related traffic, of 0.010 or more when the final ("with project") Level of Service (LOS) is LOS E or F; an increase of 0.020 or more when the final LOS is LOS D; or an increase of 0.040 or more when the final LOS is LOS C.

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B. Trip Generation

The proposed project is estimated to generate approximately 2,889 net daily trips with 237 net trips in the a.m. peak hour and 253 net trips in the p.m. peak hour, as shown in the table below. The trip generation estimates are based on formulas published by the Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition, 2003.

Land Use	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
283 Unit Condominium	1,658	21	104	125	98	49	147
9,680 SF Restaurant	1,231	58	54	112	65	41	106
<b>Total New Project Trips</b>	<b>2,889</b>	<b>79</b>	<b>158</b>	<b>237</b>	<b>163</b>	<b>90</b>	<b>253</b>

DOT's traffic study guidelines allow for restaurant projects to reduce their total project trip generation to account for pass-by trips. These are vehicle trips already on the transportation network that make an intermediate stop at a specific location prior to their final destination. The proposed project includes components that are conducive to pass-by trips. However, the traffic study submitted to DOT did not include a reduction to the grocery store trips to account for pass-by trips. Also, project trip credits to account for transit usage are also permitted by DOT for projects within a transit-rich area like Downtown. However, the traffic study does not include a transit/walk trip reduction in estimating the project's trip generation. Therefore, the trip generation estimates used to prepare the traffic impact analysis provide a conservative, worst-case scenario.

## PROJECT REQUIREMENTS

A. Construction Impacts

DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should 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. DOT also recommends that all construction related traffic be restricted to off-peak hours.

B. Highway Dedication And Street Widening Requirements

The Ad Hoc Downtown Street Standards Committee, which includes representatives from the Community Redevelopment Agency, Department of City

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Planning (DCP), Bureau of Engineering (BOE), DOT, and Council Districts 9 and 14, has reviewed the proposed project. This Committee 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, etc. The Committee recommends the following:

**Olive Avenue** is classified as a Secondary Highway which requires a 35-foot half-width roadway on a 45-foot half-width right-of-way. Olive Avenue is currently improved to a 28-foot half-width roadway and a 17-foot sidewalk within a 45-foot half-width right-of-way. Since this matches the recommended street dimensions for this segment of Olive Avenue, the Committee has no further recommendation for additional highway dedication or widening along the Olive Street frontage.

**9<sup>th</sup> Street** is classified as a Secondary Highway. 9<sup>th</sup> Street currently is improved to a 23-foot half-width roadway and a 12-foot sidewalk within a 35-foot half-width right-of-way. While no street widening along 9<sup>th</sup> Street is recommended for this project, the Committee recommends that the applicant provide an average 3-foot easement along the project frontage for sidewalk/landscape/utility purposes.

**Hill Street** is also classified as a Secondary Highway. Hill Street is currently improved to a 28-foot half-width roadway and a 18-foot sidewalk within a 46-foot half-width right-of-way. Since this matches the recommended street dimensions for this segment of Hill Street, the Committee has no further recommendation for additional highway dedication or widening along the Hill Street frontage. The applicant may encroach onto the sidewalk for ground-floor retail purposes.

C. Parking Analysis

As noted previously, the traffic study indicated that the project will provide 669 parking spaces. The developer should check with the Department of Building and Safety on the number of Code required parking spaces needed for the project.

D. Site/Driveway Access

Access to the project's parking facilities and loading areas would be provided via one two-way driveway on Hill Street and one two-way driveway on Olive Street. Vehicular circulation between the residential tower parking and the dedicated parking structure would be provided by a connection at the floor-level allowing use of either the Hill Street or Olive Street driveways. While, DOT does not object to this proposed access and circulation plan, the review of this traffic study does not constitute approval of the site access design. This requires separate review and approval and should be coordinated as soon as possible with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, @ 213-482-7024) to avoid delays in the building permit approval process. In order to

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minimize and prevent last minute building design changes, it is highly imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans to avoid any unnecessary time delays and potential costs associated with late design changes. All driveways should be Case 2 driveways and 30 feet and 18 feet wide for two-way and one-way operations, respectively. The site plan is illustrated in Attachment 2.

If you have any questions, please contact Wes Pringle of my staff at (213) 972-8482.

**Attachments**

s:\letters\CEN07-4297\_860 Olive St\_mixed\_use\_ts.wpd

c: Greg Fischer, Council District No. 9  
Martha Stephenson, Central District, DOT  
Taimour Tanavoli, Citywide Planning Coordination Section, DOT  
Carl Mills, Central District, BOE  
Hirsch/Green Transportation Consulting

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## Attachment 1

**Table 10**  
**Critical Movement Analysis Summary**  
**Future (2014) Without and With Project Conditions**

Int. No.	Intersection	Peak Hour	Without Project		With Project		
			CMA	LOS	CMA	LOS	Impact
1	7th Street and Olive Street	AM	0.540	A	0.542	A	0.002
		PM	0.643	B	0.644	B	0.001
2	7th Street and Hill Street	AM	0.477	A	0.479	A	0.002
		PM	0.527	A	0.530	A	0.003
3	8th Street and Bixel Street/SR-110 SB On-Ramp	AM	0.881	F <sup>(1)</sup>	0.881	F <sup>(1)</sup>	0.000
		PM	0.922	F <sup>(1)</sup>	0.924	F <sup>(1)</sup>	0.002
4	8th Street and Francisco Street	AM	0.689	B	0.696	B	0.007
		PM	0.865	D	0.870	D	0.005
5	8th Street and Grand Avenue	AM	0.510	A	0.521	A	0.011
		PM	0.571	A	0.578	A	0.007
6	8th Street and Olive Street	AM	0.500	A	0.531	A	0.031
		PM	0.529	A	0.548	A	0.019
7	8th Street and Hill Street	AM	0.509	A	0.534	A	0.025
		PM	0.570	A	0.592	A	0.022
8	8th Street and Broadway	AM	0.431	A	0.433	A	0.002
		PM	0.495	A	0.497	A	0.002
9	9th Street/James M. Wood Boulevard and Georgia Street/SR-110 NB On-Ramp	AM	0.823	F <sup>(1)</sup>	0.825	F <sup>(1)</sup>	0.002
		PM	0.527	F <sup>(1)</sup>	0.531	F <sup>(1)</sup>	0.004
10	9th Street/SR-110 NB Off-Ramp and Francisco Street	AM	0.905	E	0.905	E	0.000
		PM	0.749	C	0.749	C	0.000

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**Table 10 (continued)**  
**Critical Movement Analysis Summary**  
**Future (2014) Without and With Project Conditions**

Int. No.	Intersection	Peak Hour	Without Project		With Project		
			CMA	LOS	CMA	LOS	Impact
11	9th Street and Hope Street	AM	0.497	A	0.500	A	0.003
		PM	0.445	A	0.451	A	0.006
12	9th Street and Grand Avenue	AM	0.444	A	0.451	A	0.007
		PM	0.511	A	0.520	A	0.009
13	9th Street and Olive Street	AM	0.469	A	0.476	A	0.007
		PM	0.495	A	0.518	A	0.023
14	9th Street and Hill Street	AM	0.463	A	0.480	A	0.017
		PM	0.499	A	0.510	A	0.011
15	9th Street and Broadway	AM	0.444	A	0.446	A	0.002
		PM	0.498	A	0.498	A	0.000
16	9th Street and Main Street/Spring Street	AM	0.616	B	0.618	B	0.002
		PM	0.673	B	0.673	B	0.000
17	Olympic Boulevard and Olive Street	AM	0.749	C	0.759	C	0.010
		PM	0.824	D	0.841	D	0.017
18	Olympic Boulevard and Hill Street	AM	0.644	B	0.659	B	0.015
		PM	0.696	B	0.705	C	0.009
19	11th Street and Olive Street	AM	0.298	A	0.301	A	0.003
		PM	0.455	A	0.461	A	0.006
20	11th Street and Hill Street	AM	0.329	A	0.343	A	0.014
		PM	0.428	A	0.436	A	0.008
21	17th Street/I-10 WB On-Ramp and Grand Avenue	AM	0.314	A	0.321	A	0.007
		PM	0.580	A	0.583	A	0.003
22	18th Street/I-10 EB Off-Ramp and Grand Avenue	AM	0.368	A	0.371	A	0.003
		PM	0.381	A	0.385	A	0.004

[1] Intersection LOS manually adjusted based on observed operations.

\*\*\* Indicates significant impact per City of Los Angeles Department of Transportation, *Traffic Study Policies and Procedures*, Revised March 2002.

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Attachment 2

9TH-OLIVE-LAEROCKI SITE PLAN

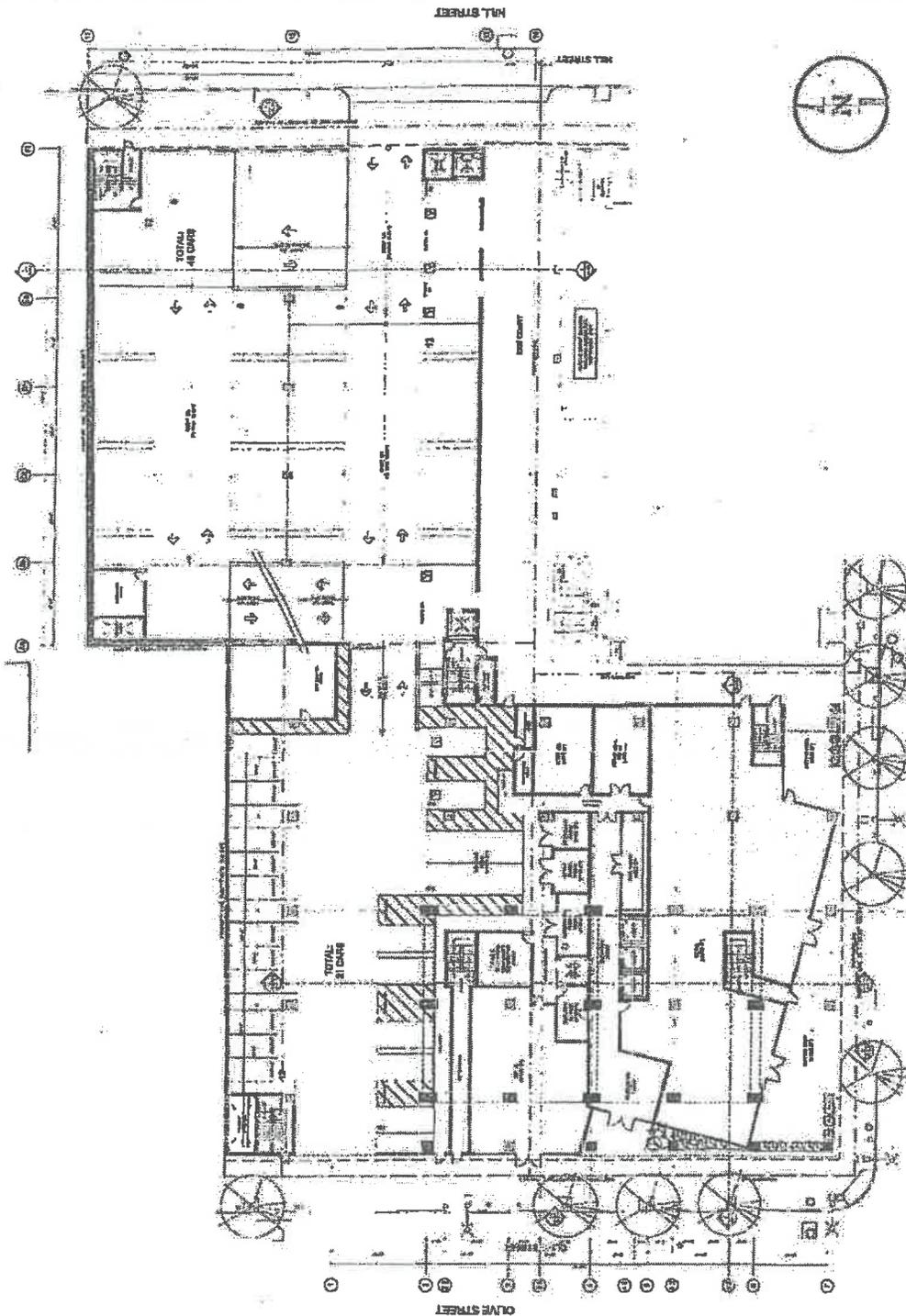


FIGURE 3

PROJECT SITE PLAN

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5/12/2008



HirschGreen Transportation Consulting, Inc.

Attachment 2

9TH-OLIVE-LA-ROCK | BITEPLAN

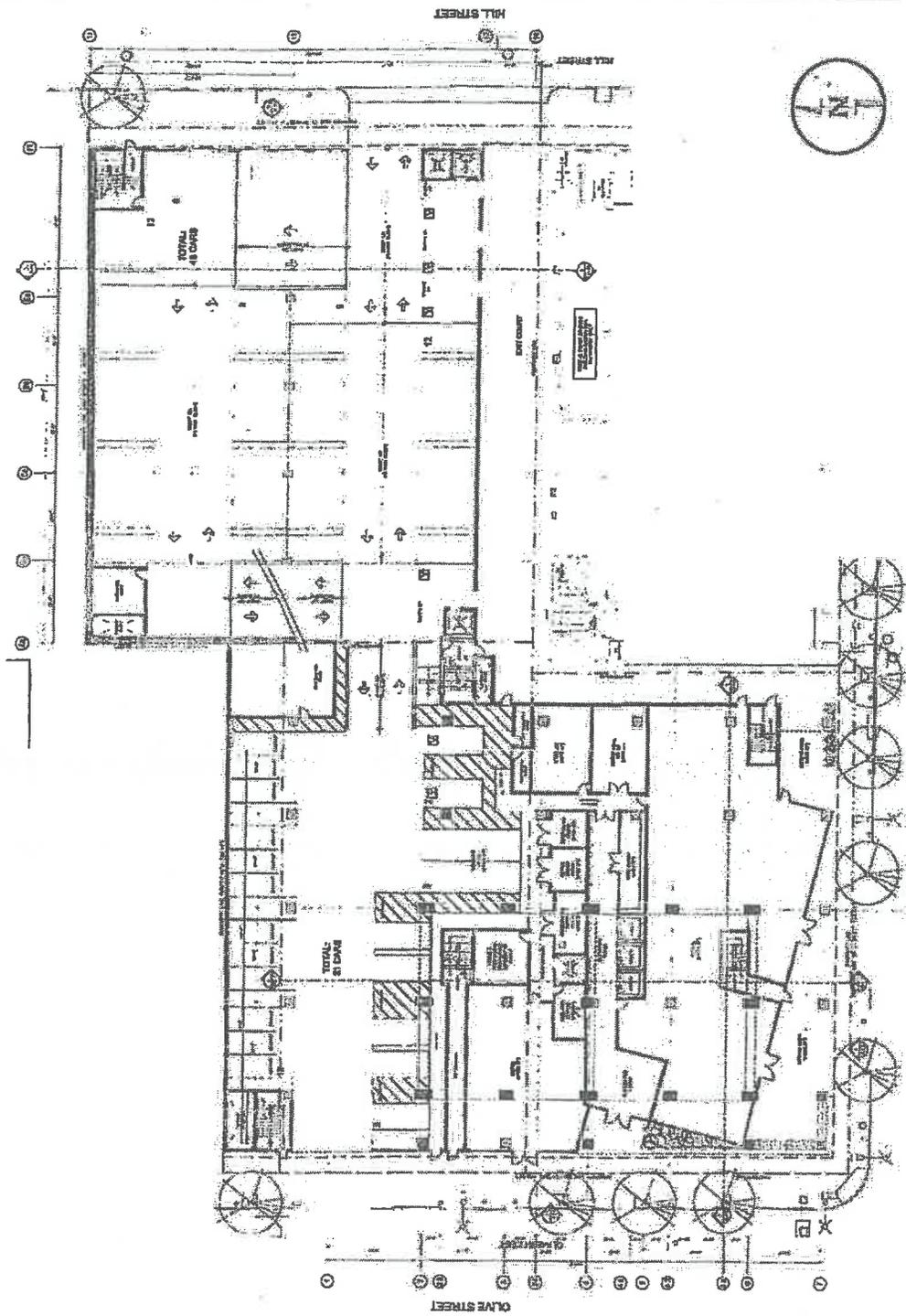


FIGURE 3

PROJECT SITE PLAN

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5/12/2008



Hirsch/Green Transportation Consulting, Inc.

# **EXHIBIT K**

# INSTITUTE OF TRANSPORTATION ENGINEERS COMMON TRIP GENERATION RATES (PM Peak Hour)

(Trip Generation Manual, 9th Edition)

Code	Description	Unit of Measure	Trips Per Unit
<b>PORT AND TERMINAL</b>			
30	Truck Terminal	Acres	6.55
90	Park and Ride Lot with Bus Service	Parking Spaces	0.62
<b>INDUSTRIAL</b>			
110	General Light Industrial	1,000 SF	0.97
120	General Heavy Industrial	Acres	2.16
130	Industrial Park	1,000 SF	0.85
140	Manufacturing	1,000 SF	0.73
150	Warehousing	1,000 SF	0.32
151	Mini-Warehouse	1,000 SF	0.26
152	High-Cube Warehouse	1,000 SF	0.12
170	Utilities	1,000 SF	0.76
<b>RESIDENTIAL</b>			
210	Single-Family Detached Housing	Dwelling Units	1.00
220	Apartment	Dwelling Units	0.62
221	Low-Rise Apartment	Dwelling Units	0.58
230	Residential Condominium / Townhouse	Dwelling Units	0.52
240	Mobile Home Park	Dwelling Units	0.59
251	Senior Adult Housing - Detached	Dwelling Units	0.27
252	Senior Adult Housing - Attached	Dwelling Units	0.25
253	Congregate Care Facility	Dwelling Units	0.17
254	Assisted Living	Beds	0.22
255	Continuing Care Retirement Community	Dwelling Units	0.16
<b>LODGING</b>			
310	Hotel	Rooms	0.60
320	Motel	Rooms	0.47
330	Resort Hotel	Rooms	0.42
<b>RECREATIONAL</b>			
411	City Park	Acres	0.19
412	County Park	Acres	0.09
413	State Park	Acres	0.07
415	Beach Park	Acres	1.30
416	Campground / Recreation Vehicle Park	Camp Sites	0.27
417	Regional Park	Acres	0.20
420	Marina	Berths	0.19
430	Golf Course	Acres	0.30
431	Miniature Golf Course	Holes	0.33

Code	Description	Unit of Measure	Trips Per Unit
432	Golf Driving Range	Tees / Driving Positions	1.25
433	Batting Cages	Cages	2.22
435	Multi-Purpose Recreational Facility	Acres	5.77
437	Bowling Alley	1,000 SF	1.71
441	Live Theater	Seats	0.02
443	Movie Theater without Matinee	1,000 SF	6.16
444	Movie Theater with Matinee	1,000 SF	3.80
445	Multiplex Movie Theater	1,000 SF	4.91
452	Horse Race Track	Acres	4.30
454	Dog Race Track	Attendance Capacity	0.15
460	Arena	Acres	3.33
473	Casino / Video Lottery Establishment	1,000 SF	13.43
480	Amusement Park	Acres	3.95
488	Soccer Complex	Fields	17.70
490	Tennis Courts	Courts	3.88
491	Racquet / Tennis Club	Courts	3.35
492	Health / Fitness Club	1,000 SF	3.53
493	Athletic Club	1,000 SF	5.96
495	Recreational Community Center	1,000 SF	1.45
<b>INSTITUTIONAL</b>			
520	Elementary School	1,000 SF	1.21
522	Middle School / Junior High School	1,000 SF	1.19
530	High School	1,000 SF	0.97
536	Private School (K-12)	Students	0.17
540	Junior / Community College	1,000 SF	2.54
560	Church	1,000 SF	0.55
565	Daycare Center	1,000 SF	12.46
566	Cemetery	Acres	0.84
571	Prison	1,000 SF	2.91
580	Museum	1,000 SF	0.18
590	Library	1,000 SF	7.30
591	Lodge / Fraternal Organization	Members	0.03
<b>MEDICAL</b>			
610	Hospital	1,000 SF	0.93
620	Nursing Home	1,000 SF	0.74
630	Clinic	1,000 SF	5.18
640	Animal Hospital / Veterinary Clinic	1,000 SF	4.72

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Code	Description	Unit of Measure	Trips Per Unit
<b>OFFICE</b>			
710	General Office Building	1,000 SF	1.49
714	Corporate Headquarters Building	1,000 SF	1.41
715	Single Tenant Office Building	1,000 SF	1.74
720	Medical-Dental Office Building	1,000 SF	3.57
730	Government Office Building	1,000 SF	1.21
732	United States Post Office	1,000 SF	1.22
733	Government Office Complex	1,000 SF	2.85
750	Office Park	1,000 SF	1.48
760	Research and Development Center	1,000 SF	1.07
770	Business Park	1,000 SF	1.29
<b>RETAIL</b>			
812	Building Materials and Lumber Store	1,000 SF	4.49
813	Free-Standing Discount Superstore	1,000 SF	4.35
814	Variety Store	1,000 SF	6.82
815	Free Standing Discount Store	1,000 SF	4.98
816	Hardware / Paint Store	1,000 SF	4.84
817	Nursery (Garden Center)	1,000 SF	6.94
818	Nursery (Wholesale)	1,000 SF	5.17
820	Shopping Center	1,000 SF	3.71
823	Factory Outlet Center	1,000 SF	2.29
826	Specialty Retail Center	1,000 SF	2.71
841	New Car Sales	1,000 SF	2.62
842	Recreational Vehicle Sales	1,000 SF	2.54
843	Automobile Parts Sales	1,000 SF	5.98
848	Tire Store	1,000 SF	4.15
850	Supermarket	1,000 SF	9.48
851	Convenience Market (Open 24 Hours)	1,000 SF	52.41
852	Convenience Market (Open 15-16 Hours)	1,000 SF	34.57
853	Convenience Market with Gasoline Pumps	1,000 SF	50.92
854	Discount Supermarket	1,000 SF	8.34
857	Discount Club	1,000 SF	4.18
860	Wholesale Market	1,000 SF	0.88
861	Sporting Goods Superstore	1,000 SF	1.84
862	Home Improvement Superstore	1,000 SF	2.33
863	Electronics Superstore	1,000 SF	4.50
864	Toy / Children's Superstore	1,000 SF	4.99
866	Pet Supply Superstore	1,000 SF	3.38
867	Office Supply Superstore	1,000 SF	3.40
875	Department Store	1,000 SF	1.87

Code	Description	Unit of Measure	Trips Per Unit
876	Apparel Store	1,000 SF	3.83
879	Arts and Craft Store	1,000 SF	6.21
880	Pharmacy / Drugstore without Drive-Through Window	1,000 SF	8.4
881	Pharmacy / Drugstore with Drive-Through Window	1,000 SF	9.91
890	Furniture Store	1,000 SF	0.45
896	DVD/Video Rental Store	1,000 SF	13.60
<b>SERVICES</b>			
911	Walk-In Bank	1,000 SF	12.13
912	Drive-In Bank	1,000 SF	24.30
918	Hair Salon	1,000 SF	1.93
925	Drinking Place	1,000 SF	11.34
931	Quality Restaurant	1,000 SF	7.49
932	High-Turnover (Sit-Down) Restaurant	1,000 SF	11.15
933	Fast Food Restaurant without Drive-Through Window	1,000 SF	26.15
934	Fast Food Restaurant with Drive-Through Window	1,000 SF	33.84
935	Fast Food Restaurant with Drive-Through Window and No Indoor Seating	1,000 SF	153.85
936	Coffee / Donut Shop without Drive-Through Window	1,000 SF	40.75
937	Coffee / Donut Shop with Drive-Through Window	1,000 SF	42.8
938	Coffee / Donut Shop with Drive-Through Window and No Indoor Seating	1,000 SF	75
940	Bread / Donut / Bagel Shop with Drive-Through Window	1,000 SF	18.99
941	Quick Lubrication Vehicle Shop	Service Bays	5.19
942	Automobile Care Center	1,000 SF	3.11
943	Automobile Parts and Service Center	1,000 SF	4.46
944	Gasoline / Service Station	Fueling Positions	13.87
945	Gasoline / Service Station with Convenience Market	Fueling Positions	13.51
946	Gasoline / Service Station with Convenience Market and Car Wash	Fueling Positions	13.94
947	Self Service Car Wash	Stalls	5.54
948	Automated Car Wash	1,000 SF	14.12
950	Truck Stop	1,000 SF	13.63

Note: All land uses in the 800 and 900 series are entitled to a "passby" trip reduction of 60% if less than 50,000 ft<sup>2</sup> or a reduction of 40% if equal to or greater than 50,000 ft<sup>2</sup>.

Approximated by 10% of Weekday average rate.

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**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part  
 Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: All Conditions

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: [Handwritten Signature]

Date: 9/14/18

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>F. LEIUA</u>	Date: <u>9/17/2018</u>
Receipt No: <u>0101943487</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

## Justification/Reason for Appeal

### Olympic and Hill Project

#### Vesting Tentative Tract Map No. VTT-74760

1000 S. Hill Street (1000-1034 S. Hill Street, 220-226 W. Olympic Boulevard) (Project Site)

**REASON FOR THE APPEAL:** The Mitigated Negative Declaration (MND) prepared for the Olympic and Hill Project (CEQA No. ENV-2016-4711-MND) (“Project”) fails to comply with the California Environmental Quality Act (CEQA).

**SPECIFICALLY THE POINTS IN ISSUE:** The MND fails to adequately analyze environmental impacts of the Project, fails to adequately describe the environmental setting of the Project, and fails to propose all feasible mitigation measures and alternatives to reduce Project impacts. Specifically, the MND found potentially significant impacts in the following categories: biological resources, hazards and hazardous materials, noise, public services, transportation and traffic, and tribal cultural resources. It also found potentially significant impacts for one of the mandatory findings of significance required by CEQA. Appellant also believes the Project will have significant air quality impacts as well as greenhouse gas impacts. These potentially significant impacts must be analyzed in an EIR.

**HOW YOU ARE AGGREIVED BY THE DECISION:** Members of appellants Laborers International Union of North America (LIUNA) Local 300 live in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated. Construction workers, such as the members of LIUNA Local 300, will be directly affected by soil contamination, improperly controlled construction equipment, and other risks during Project construction.

**WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION:** The Advisory Agency approved the MND, the Mitigation Monitoring Program, and the Vesting Tentative Tract No. 74760 for the Project despite the fact that the MND fails to comply with CEQA.

A.1-1

DEPARTMENT OF  
CITY PLANNING

CITY PLANNING COMMISSION

SAMANTHA MILLMAN  
PRESIDENT

VAHID KHORSAND  
VICE-PRESIDENT

DAVID H. J. AMBROZ  
CAROLINE CHOE

RENEE DAKE WILSON

KAREN MACK

MARC MITCHELL

VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN

ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

EXECUTIVE OFFICES  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

<http://planning.lacity.org>

Decision Date: September 6, 2018

Last Day to Appeal: September 17, 2018

Onni Capital LLC (O)(A)  
315 W. 9th Street, Suite 801  
Los Angeles, CA 90015

Matt Dzurec (R)  
Armbruster Goldsmith & Delvac LLP  
12100 Wilshire Blvd, Suite 1600  
Los Angeles, CA 90025

RE: Vesting Tentative Tract No. VTT-74760  
Related Case: CPC-2016-4710-TDR-MCUP-  
SPR  
Address: 1000 S. Hill Street (1000-1034 S. Hill  
Street, 220-226 W. Olympic Boulevard)  
Community Plan: Central City  
Zone: [Q]R5-4D-O  
District Map: 126A209  
Council District: 14 - Huizar  
CEQA No.: ENV-2016-4711-MND  
Legal Description: Lots 9, 10, and 12-15 of E.H.  
Workman Tract; Lot A of Tract No. 1814

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03, the Advisory Agency adopted Mitigated Negative Declaration ENV-2016-4711-MND as the environmental clearance, adopted the Mitigation Monitoring Program, and approved Vesting Tentative Tract No. 74760 to permit the merger and resubdivision of seven lots into one lot for residential and commercial condominium purposes, located at 1000 South Hill Street for a maximum of 700 residential units and 15,000 square feet of commercial space, as shown on map stamp-dated December 15, 2017, in the Central City Community Plan. (Verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property.) The Advisory Agency's approval is subject to the following conditions:

**Note on clearing conditions:** When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. That a 21-foot wide strip of land be dedicated along Olympic Boulevard adjoining the subdivision to complete a 51-foot wide half public street right-of-way in accordance with Modified Avenue I of LA Mobility Standards and per Downtown Street Standards. A 15-foot by 15-foot property line cut corner or a 20-foot radius property line return also shall be dedicated at the intersection with Hill Street adjoining the tract. Additionally an 8-foot wide average public sidewalk easement shall be provided adjoining the above dedication.
2. That a 2-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley dedication.

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

3. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall comply with any requirements with the Department of Building and Safety, Grading Division for the recordation of the final map and issuance of any permit.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

4. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division, shall issue a clearance letter stating that no Building or Zoning Code violations existing relating to the subdivision on the subject site once the following items have been satisfied:
  - a. Provide a copy of CPC cases CPC-2016-4710-TDR-MCUP-SPR. Show compliance with all the conditions/requirements of the CPC cases as applicable.
  - b. Provide a copy of affidavits AFF-6849 and AFF-4236. Show compliance with all the conditions/requirements of the above affidavits as applicable. Termination of above affidavit may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
  - c. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

**Notes:**

The proposed project site is within the Greater Downtown Housing Incentive Area.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was

deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

#### **DEPARTMENT OF TRANSPORTATION**

5. That the project be subject to any recommendations from the Department of Transportation.

#### **FIRE DEPARTMENT**

6. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
  - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
  - b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - c. One or more Knox Boxes will be required to be installed for LAFD access to project.
  - d. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - e. The entrance to a Residence lobby must be within 50 feet of the desired street address curb face.
  - f. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
  - g. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - h. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - i. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

- j. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)
  - i. When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
  - ii. It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
  - iii. This policy does not apply to single-family dwellings or to non-residential buildings.
- k. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend onto the roof.
- l. Entrance to the main lobby shall be located off the address side of the building.
- m. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- n. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- o. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
- p. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- q. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full

FAA-approved helicopter landing facilities.

- r. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6509. You should advise any consultant representing you of this requirement as well.

#### **DEPARTMENT OF WATER AND POWER**

7. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with the following conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering:
  - a. Prior to receiving water service the developer must arrange for the Department to install the following: fire hydrants.
  - b. Pressure regulators will be required in accordance with the Los Angeles City Plumbing Code for the following lot(s) where pressures exceed 80 psi at the building pad elevation: High 90 PSI, Low 73 PSI
  - c. Existing water mains are located in or adjacent to this tract as follows: 12" water main in Hill Street, 24" water main in Olympic Boulevard.
  - d. New fire hydrants and/or top upgrades to existing fire hydrants are required in accordance with the Los Angeles Fire Code. Install one (1) 2-1/2" x 4" D.F.H. on the east side of Hill Street, approximately 300' SS Olympic Blvd.

#### **BUREAU OF STREET LIGHTING – SPECIFIC CONDITIONS**

8. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

#### **BUREAU OF SANITATION**

9. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

#### **DEPARTMENT OF RECREATION AND PARKS**

10. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

**DEPARTMENT OF CITY PLANNING – SITE SPECIFIC CONDITIONS**

11. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- a. Limit the proposed development to a maximum of 700 residential units and 15,000 square feet of commercial floor area.
  - b. Pursuant to LAMC Section 12.21 A.4(p)(1), provide a minimum of one off-street parking space per dwelling unit having three habitable rooms or fewer, and provide a minimum of 1.25 parking spaces per dwelling unit having more than three habitable rooms. Notwithstanding the above, the applicant may elect to reduce parking using the bicycle replacement provisions of LAMC Section 12.21 A.4.
  - c. Pursuant to LAMC Section 12.21 A.4(i)(2)(3), provide a minimum of one off-street parking space per 1,000 square feet of commercial floor area.
  - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - e. That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
  - g. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant

- from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

12. That prior to the issuance of the building permit or the recordation of the final map, a copy of Case No. CPC-2016-4710-TDR-MCUP-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. CPC-2016-4710-TDR-MCUP-SPR is not approved, the subdivider shall submit a tract modification.

#### **DEPARTMENT OF CITY PLANNING - ENVIRONMENTAL MITIGATION MEASURES**

13. That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation **Condition No. 14 and 15** of the

Tract's approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

14. Prior to the recordation of the final map, the subdivider will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

MM-1. Increased Noise Levels (Parking Structure Ramps)

Concrete, not metal, shall be used for construction of parking ramps. The interior ramps shall be textured to prevent tire squeal at turning areas.

MM-2. 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.

MM-3. Transportation Demand Management Plan and Monitoring Program

The Applicant shall prepare and submit a Transportation Demand Management (TDM) Plan to the Department of Transportation prior to the issuance of the first building permit for the Project. A final TDM Plan shall be submitted and approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the Project. The TDM Plan shall include strategies, as determined to be appropriate by the Department of Transportation, that would have a minimum fifteen (15) percent effectiveness in reducing new vehicle trips. TDM program elements should include, but not be limited to, the strategies listed in Mitigation Measure T-1 and the following:

- Site Design – The site will be designed to encourage walking, biking, and transit. Amenities would include:
  - New sidewalks and street trees along the perimeter
  - Improved street and pedestrian lighting.
- Unbundled Parking – Unbundling parking typically separates the cost of purchasing or renting parking spaces from the cost of the purchasing or renting a dwelling unit. Saving money on a dwelling unit by forgoing a parking space acts as an incentive that minimizes auto ownership.

Similarly, paying for parking (by purchasing or leasing a space) acts as a disincentive that discourages auto ownership and trip-making.

- Bicycle Parking – As described in Chapter 7, the Project will provide both long term and short-term bicycle parking. In addition, the Project could provide complementary amenities such as a self-service bike repair area.

A Monitoring Program shall be prepared to provide continued monitoring of the TDM Plan's effectiveness. The Monitoring Program shall be prepared by a licensed Transportation Engineer and be submitted to the Department of Transportation for review. The Monitoring Program shall continue until such time that the Project has shown, for three consecutive years, at a minimum of 85 percent occupancy, a minimum fifteen (15) percent effectiveness in reducing new vehicle trips through implementation of the TDM Plan. Should the review show that the trip reductions have not been met, the Project shall have one year to attain compliance or be subject to a penalty program.

15. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

CM-1. Habitat Modification (Nesting Native Birds)

Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:

- Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.

- Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

CM-2. Soil Management Plan

Due to the historic UST removed from 1022 S. Hill Street, when mass excavation/grading is to be conducted at this portion of the Project Site, proper soil management protocols would need to be followed in the event that petroleum hydrocarbon impacted soil is encountered and displaced.

Construction and grading activities on-site shall implement a Soil Management Plan to the satisfaction of the Los Angeles Fire Department and the Department of Building and Safety.

CM-3. Increased Noise Levels (Demolition, Grading, and Construction Activities)

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.

CM-4. Increased Noise Levels (Demolition, Grading, and Construction Activities)

To the maximum extent practical, demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-5. Increased Noise Levels (Demolition, Grading, and Construction Activities)

The project contractor shall use power construction equipment with noise shielding and muffling devices.

CM-6. Increased Noise Levels (Demolition, Grading, and Construction Activities)

The project contractor shall erect a temporary noise-attenuating sound barrier along the perimeter of the Project Site. The sound wall shall be a minimum of 8 feet in height to block the line-of-site of construction equipment and off site receptors at the ground level. The sound barrier shall include ¾ inch plywood or other sound absorbing material capable of achieving a 5-dBA reduction in sound level.

CM-7. Increased Noise Levels (Demolition, Grading, and Construction Activities)

During structural framing, the project contractor shall utilize temporary portable acoustic barriers, partitions, or acoustic blankets to effectively block the line-of-sight between noise producing equipment and the adjacent residential land uses for purposes of ensuring noise levels at the adjacent residential land uses does not exceed 5 dBA over the ambient noise levels.

CM-8. Increased Noise Levels (Demolition, Grading, and Construction Activities)

An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours of their receipt.

CM-9. Temporary Groundborne Vibration Impacts

All new construction work shall be performed so as not to adversely affect the structural integrity of the adjacent buildings. Prior to commencement of construction, the applicant shall retain a qualified structural engineer to survey the existing foundations and structures of the adjacent buildings, and provide a plan to protect them from potential damage. The performance standards of the structure monitoring plan shall including 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 buildings. A registered structural engineer 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 adjacent structures 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.
- In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant and, if warranted, in a manner that meets the Secretary of the Interior's Standards.
- The structure monitoring program and initial survey documentation shall be submitted to the Department of Building and Safety and received into the case file for the associated discretionary action permitting the project prior to construction.

CM-10. Public Services (Police – Demolition/Construction Sites)

Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

CM-11. Compliance with LADOT

The Applicant shall implement the project requirements detailed in DOT's communication to the Planning Department (DOT Case No. CEN 17-45630 dated July 12, 2017, attached) and as listed below.

*Construction Impacts*

DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should 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. DOT also recommends that construction related traffic be restricted to off-peak hours to the extent possible.

*Transportation Demand Management (TDM) Program*

A final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program should include, but not be limited to the following strategies:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- Administrative support for the formation of carpools/vanpools;
- Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
- Establish bike and walk to work promotions;
- Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- Coupled with the unbundled parking, provide on-site car share amenities for residents;
- Guaranteed ride home program;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Coordinate with DOT to determine if the project location is eligible for a future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
- Provide on-site transit routing and schedule information;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Provide rideshare matching services;
- Preferential rideshare loading/unloading or parking location;

- Contribute a one-time fixed fee contribution of \$50,000 to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.

#### *Highway Dedication and Street Widening Requirements*

The applicant should check with Bureau of Engineering's Land Development Group to determine the specific highway dedication, street widening and/or sidewalk requirements for this project.

#### *Parking Requirements*

The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

#### *Driveway Access and Circulation*

The traffic study indicates that two proposed driveways will provide access to the building's underground parking, including shared access for residents and retail and restaurant customers. The conceptual site plan for the project illustrated in Attachment 3 is acceptable to DOT. However, the review of this study does not constitute approval of the driveway dimensions, access and circulation scheme. Those require separate review and approval and should be coordinated with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4<sup>th</sup> Floor, Station 3, @ 213-482-7024). In order to minimize and prevent last minute building design changes, the applicant should contact DOT, prior to the commencement of building or parking layout design efforts, for driveway width and internal circulation requirements. New driveways should be Case 2 - designed with a recommended width of 30 feet for two-way operations or 16 feet for one-way operations. Delivery truck loading and unloading should take place on site with no vehicles having to back into the project via the proposed project driveways on any adjacent street. However, the truck loading dock off of the alley (Blackstone Court) is acceptable.

#### *Development Review Fees*

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council in 2009 and updated in 2014. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

#### CM-12. Construction Management Plan

The following will be implemented prior to construction:

- As traffic lane, parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.

- Ensure that access will remain unobstructed for land uses in proximity to the project site during project construction.
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.

CM-13. Tribal Cultural Resources

In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long

as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.

- g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract comply with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided

property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
- (k) That no public street grade exceeds 15%.
- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
- (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private streets, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting. Construct new pedestrian lights: two (2) on Olympic Boulevard and five (5) on Hill Street. If street widening per BOE improvement conditions, relocate and upgrade street lights; three (3) on Hill Street and one (1) on Olympic Boulevard.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-

- 3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.
- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.
  - (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
  - (f) Construct access ramps for the handicapped as required by the City Engineer.
  - (g) Close any unused driveways satisfactory to the City Engineer.
  - (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
  - (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
    - a. Improve Olympic Boulevard being dedicated and adjoining the subdivision by the construction of the following:
      - (1) A concrete curb, a concrete gutter, and a 15-foot full-width concrete sidewalk with tree wells.
      - (2) Suitable surfacing to join the existing pavements and to complete 36-foot half roadway.
      - (3) Any necessary removal and reconstruction of existing improvements.
      - (4) The necessary transitions to join the existing improvement.
    - b. Improve the alley being dedicated and adjoining the tract by construction of new surfacing to provide an 18-foot wide alley with longitudinal gutter located at the 10-foot half ally measured from the new tract boundary after the alley dedication including a construction of a new alley intersection with Olympic Boulevard including any necessary removal and reconstruction of existing improvements and necessary transition including the drainage to join the existing alley improvements all satisfactory to the City Engineer:

**NOTES:**

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units. This vesting map does not constitute approval of any variations from the Los Angeles Municipal Code (LAMC), unless approved specifically for this project under separate conditions.

Any removal of the existing street trees shall require Board of Public Works approval.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the LAMC.

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

#### **FINDINGS OF FACT (CEQA)**

The project was issued Mitigated Negative Declaration ENV-2016-4711-MND on April 12, 2018. Potential negative impacts could occur from the project's implementation due to:

- Biological Resources
- Hazards and Hazardous Materials
- Noise
- Public Services
- Transportation
- Tribal Cultural Resources

The Deputy Advisory Agency, adopts Mitigated Negative Declaration No. ENV-2016-4711-MND and finds that it reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition No. 14 and 15 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.), which are specifically intended to mitigate such potential impacts on all projects.

In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition Nos. 14 and 15.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

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

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

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

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the project site. The project site is located within the Central City Community Plan, which designates the site with a High Density Residential land use designation. The land use designation lists the R5 Zone as the corresponding zones. The Project Site is zoned [Q]R5-4D-O, which is consistent with the land use designation. The project site has approximately 50,611 gross square feet of lot area and is located within the Greater Downtown Housing Incentive Area. The site is not subject to any density restrictions but is limited to a FAR of 6:1 per the "D" Limitations contained in Ordinance No. 164307 (SA2645). The project is seeking a Transfer of Floor Area Rights (TFAR) for the approximate amount of 354,277 square feet of floor area to the Project site, permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area.

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

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

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

permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area.

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

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

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

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

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

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

The adjacent property to the north, across Olympic Boulevard, is zoned [Q]R5-4D and developed with a vacant one-story mini-shopping center. The adjoining property to the south is zoned [Q]R5-4D and developed with the Mayan Theater. The adjacent properties to the east, across the public alley, are zoned C2-4D-O-SN and developed with one-story

commercial buildings and a 12-story commercial office building. The adjacent properties to the west, across Hill Street, are zoned [Q]R5-4D-O and developed with a commercial corner building and a surface parking lot. The site is located approximately 3,500 feet (0.7 miles) from Interstate 110 to the west and Interstate 10 to the east.

The project entails the construction of a 60-story mixed-use building (760 feet in height) with 700 residential dwelling units and 15,000 square feet of ground floor commercial/retail space. The project site has approximately 50,611 square feet of gross lot area and is located within the Greater Downtown Housing Incentive Area. The site is not subject to any density restrictions but is limited to a FAR of 6:1 per the "D" Limitations contained in Ordinance No. 164307 (SA2645). The project is seeking a Transfer of Floor Area Rights (TFAR) under incidental Case No. CPC-2016-4710-TDR-MCUP-SPR for the approximate amount of 354,277 square feet of floor area to the Project site, permitting an FAR of 13:1 and 657,943 square feet of floor area, as permitted within the Central City Redevelopment Project Area. Additionally, prior to the issuance of a demolition, grading, or building permit, the project would be required to comply with conditions herein and applicable requirements of the LAMC. As conditioned the proposed tract map is physically suitable for the proposed density of the development.

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

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

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

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

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

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

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

property within the proposed subdivision, as identified on the tract map. Necessary easements for utilities will be acquired by the City prior to the recordation of the proposed parcel map.

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

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

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

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

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

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

VINCENT P. BERTONI, AICP  
Advisory Agency



KEVIN S. GOLDEN  
Deputy Advisory Agency



JANE J. CHOI, AICP  
Senior City Planner

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission or Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices:

*Downtown Office  
Figueroa Plaza  
201 North Figueroa Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077*

*Valley Office  
6262 Van Nuys Boulevard, Suite 251  
Van Nuys, CA 91401  
(818) 374-5050*

*West Los Angeles Office  
1828 Sawtelle Boulevard, 2<sup>nd</sup> Floor  
Los Angeles, CA 90025  
(310) 231-2598*

Forms are also available on-line at <http://planning.lacity.org>

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90<sup>th</sup> day following the date on which the City's decision becomes final.



L A M C I R O

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?

Entire       Part

Are specific conditions of approval being appealed?

Yes       No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: \_\_\_\_\_ *[Signature]*

Date: 9/17/17

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>F. LEIWA</u>	Date: <u>9/17/2018</u>
Receipt No: <u>0102943781</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

# UNITEHERE! Local 11

464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-8530 • FAX (213) 481-0352

September 17, 2018

City Planning Commission  
 200 N. Spring St., Room 532  
 Los Angeles, CA 90012

**Re: Appeal Justification for Hill/Olympic Project (1000-1034. S. Hill, 220-226 W. Olympic Blvd)  
 VTT-74760; ENV-2016-4711-MND**

Dear City Planning Commissioners,

UNITE HERE Local 11, Antonio Mendoza and Charles Carnow (collectively "Appellants"), hereby respectfully appeal (the "Appeal") the Advisory Agency's approval of the above-referenced residential development ("Project") proposed by Onni Capital LLC ("Applicant"), located at 1000 S. Hill St ("Site"). Under the Los Angeles Municipal Code ("LAMC" or "Code") and the California Environmental Quality Act ("CEQA"), Pub. Res. Code § 21000 *et seq.*, this Appeal challenges both the Project's Vesting Tentative Tract Approval ("Entitlement") and its Mitigated Negative Declaration ("MND") (collectively "Project Approvals"). According to the Letter of Determination dated September 6<sup>th</sup>, 2018, the last day to file an appeal is September 17<sup>th</sup>, 2018.

**REASON FOR THE APPEAL:** The Project's MND fails to comply with CEQA. In particular, the MND fails to adequately analyze the environmental impacts of the Project and fails to propose all feasible mitigation measures to reduce Project impacts. A number of these concerns were raised by Appellants in their August 7, 2018 comment letter (attached hereto as Exhibit A). Additionally, the discretionary entitlements are not by right, and the required findings cannot be made.

A.2-1

**SPECIFIC POINTS IN ISSUE:** The specific points at issue were fully outlined in the comment letters submitted, including the August 7, 2018 letter submitted by Appellants. These issues include insufficiently analyzed and mitigated impacts on greenhouse gases and associated traffic impacts, aesthetic/shadow impacts, impacts on access to historic resources, and possible CEQA piecemealing issues. Additionally, as raised by other commenters during the Advisory Agency's hearing, there is insufficient mitigation of potential noise impacts, particularly during construction, and insufficient mitigation of traffic impacts that could impair alley access to adjacent small businesses.

A.2-2

As stated in the August 7, 2018 comment letter, Onni has an established history of proposing a project during the entitlement stage, and subsequently building out and operating an entirely different project later. The justifications for this Project and the analysis of its environmental impacts rely on it being a residential project. Appropriate conditions should be put in place to ensure it remains so. This is particularly necessary because Onni has claimed, with respect to its 888 S. Olive St project, a project similarly entitled for residential uses prior to conversion to transient-occupancy resident structures, that short term rentals are permitted by right (*see* Exhibit B, p. 2) in significant swathes of Downtown Los Angeles, including areas with zoning essentially

identical to that of 1000 S. Hill St.<sup>1</sup> Onni further suggested that the lack of a condition of approval limiting lease term for leases at 888 S. Olive St project meant that short-term rentals and other transient uses were allowed at the site. In order to ensure the Olympic / Hill St project remains residential, the City should add the following as conditions of approval to the project:

- A condition, running with the land, that bans its conversion to Transient-Occupancy Residential Occupancy Structure, hotel, or motel use. Significant precedent exists for this. As shown in Exhibit C, several extended stay hotels have included conditions banning future conversion of the sites to residential uses. The City imposed this requirement to ensure these extended-stay hotels would fulfill their function of expanding the supply of hotel rooms to business tourists who require a longer stay. Here too, the City seeks to approve a residential project during a housing crisis. This condition will help ensure that the Project fulfills the original purpose of its approval.
- Require leases to be offered for terms of no less than one year. Additionally, a condition should ban any subletting of Project units for less than 30 days. As shown in Exhibit D, other projects have included lease term limitations. This condition would apply if Onni opts to rent out dwelling units in the project, rather than utilizing the approvals granted to sell the units as condos.

A.2-2

**HOW ARE YOU AGGRIEVED BY THE DECISION:** Appellants and UNITE HERE members live and/or work in the vicinity of the Project Site, breathe the air, suffer traffic congestions, and will suffer from other environmental impacts of the Project unless they are properly analyzed and mitigated. Additionally, Appellants are committed to responsible development in Los Angeles and informed decision-making by public officials regarding projects that may cause significant impacts to the environment. Hence, granting this Appeal will confer substantial benefit not only to Appellants but also the public, including citizens, residents, businesses and taxpayers affected by the Project, and will result in the enforcement of important public rights.

**HOW DID THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION:** The Advisory Agency approved the Project Approvals even though there is substantial evidence demonstrating that the MND fails to comply with CEQA.

Appellants respectfully reserve the right to supplement this appeal justification at future hearings and proceedings for this Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Sincerely,

Charlie Carnow  
Research Analyst  
UNITE HERE Local 11

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<sup>1</sup> Ordinance No. 164307 established Q conditions that among other provisions, permit hotels, motels, and apartment hotels uses by right in significant parts of Downtown LA. 1000 S. Hill St and 888 S. Olive St are subject to identical Q conditions.

Exhibit A:

August 8<sup>th</sup>, 2018 Comment Letter by Attorney Gideon  
Kracov on behalf of Appellants regarding Hill/Olympic  
Project



GIDEON KRACOV

Attorney at Law

801 South Grand Avenue  
11th Floor  
Los Angeles, California 90017

(213) 629-2071  
Fax: (213) 623-7755

gk@gideonlaw.net  
www.gideonlaw.net

August 8, 2018

**VIA HAND DELIVERY & EMAIL:**

Michael Sin, City Planning Associate  
Los Angeles City Hall, Room 1070  
200 N. Spring St.  
Los Angeles, CA 90012  
[michael.sin@lacity.org](mailto:michael.sin@lacity.org)

**Re: Comments for the Olympic/Hill Project (1000-34 S. Hill St., 220-26 W. Olympic Blvd.);  
Project Approvals (VTT-74760, CPC-2016-4710, ENV-2016-4711);**

Dear Mr. Sin:

On behalf of UNITE HERE Local 11 ("Local 11"), Charlie Carnow, and Antonio Mendoza (collectively "Commentors"), this Office provides the City of Los Angeles ("City") and its Department of City Planning ("DCP") the following comments regarding the referenced Olympic & Hill mixed-use development ("Project"), located on a 1.16 acre, one-half city-block ("Site"), proposed by Onni Capital, LLC ("Onni" or "Applicant"), including the Project's mitigated negative declaration ("MND").<sup>1</sup> Commentors are concerned with the Project's compliance with the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.*, ("CEQA") and the Los Angeles Municipal Code ("LAMC" or "Code").

In short, Onni has a track record of converting residential projects into hotel-like uses after being approved, with impacts associated with the hotel uses going unanalyzed. This amounts to improper project piecemealing under CEQA. Additionally, this pattern and practice runs against the City's Code-required land use findings, which predominately highlight the urgent need to bring more residential housing opportunities to Los Angeles. Here, the Project includes zero-affordable housing units and seeks approval of a transfer-of-floor-area-rights ("TFAR") to allow the maximum 13:1 floor-area-ratio ("FAR") allowed under the City's General Plan. ***Given this Project is entirely discretionary, DCP should ensure that if a multi-family residential project is approved, that Onni actually builds and operates an actual residential project.*** Furthermore, the analysis contained in the MND contains serious flaws affecting aesthetic/historic, greenhouse gas ("GHG") emission, and traffic impacts—requiring additional analysis, mitigation, and enforceable conditions of approval.

***For these reasons, Commentors respectfully request that the City withhold all project approvals, including approval of the vesting tentative tract approval, until the MND is revised and re-circulated for public comment.***

<sup>1</sup> Inclusive of the Initial Study ("IS") and all appendices ("APP-##"). Because appendices may include several documents not sequentially numbered consistently throughout the PDF document, all page citations are to the PDF page locations within the appendix and referenced herein as ("PDF p. ##").



## I. SPECIFIC POINTS AT ISSUE

### A. ONNI'S RECORD OF IMPROPER CONVERSION OF RESIDENTIAL PROJECTS

Onni has an established history of proposing a project during the entitlement stage, and subsequently building out and operating an entirely different project later. For example, between 2008-2013, Applicant entitled a 300+ unit condominium at 888 S. Olive Street,<sup>2</sup> but shortly after construction advertised the project for short-term rentals and converted the building into a Transient Occupancy Residential Structure ("TORS") via a certificate of occupancy ("CoO") issued by the City's Department of Building and Safety ("DBS").<sup>3</sup> This was done in clear contradiction of the prior project approvals, the Code, and is now the subject of a current DCP appeal (DIR-2018-3042-BSA) attached hereto. Similarly, in May 2017, the City of Vancouver fined Onni \$24,000 for illegal short-term rentals at its Level property after it refused to comply with two city-warnings to stop the practice.<sup>4</sup> Again in 2017, in Richmond, Ontario, Onni received approvals to construct six low-rise apartment buildings above a commercial space zoned for maritime use but left the buildings vacant, and later sought a zone change to allow a hotel, retail and office space.<sup>5</sup> According to Richmond Councilor Carol Day, "**[w]e're having the same problem other cities are having which is Onni says one thing during the development process and then does another thing years later.**"

Given Onni's track record, Commentors request that the DCP impose enforceable conditions of approval that restricts the Site from being advertised/rented as short-term rental, hotel, TORS, or other hotel-like uses after receiving its CoO. Similar restrictions have been incorporated into other project approvals by the City which run with the land.<sup>6</sup> Additionally, the condition of approval should prevent Onni from offering any lease for less than one year, nor allow tenants to sublet or assign their units or any portion thereof for less than 30 days. Furthermore, the Project should also be leased only to actual individuals and families, rather than corporations or other business entities to ensure this housing remains for long-term residents—not tourists or short-term corporate visitors.<sup>7</sup>

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<sup>2</sup> DCP Case Nos. ENV-2008-2573-MND, DIR-2008-2600-SPR-EXT3, VTT-70371-CN-EXT2, ENV-2008-2573-MND-REC1, ZA-2013-1013-MCUP-ZV-SPR-EXT, VTT-70371-CN-M1.

<sup>3</sup> DBS Permit No. 17016-1000-04294 issued 06/14/17.

<sup>4</sup> See <http://www.cbc.ca/news/canada/british-columbia/it-is-illegal-city-tells-developer-to-stop-short-term-rentals-1.4048098>.

<sup>5</sup> <http://www.cbc.ca/news/canada/british-columbia/steveston-rezoning-2017-1.4358332>.

<sup>6</sup> Letter of Determination (4/5/18) CPC-2015-4611-GPA-VZC-HD-DB-MCUP-WDI-SPR, p. Q1 ("The use and development of the 231 multi-family units shall not be permitted to operate as a Transit Occupancy Residential Structure (TORS). To enable the TORS apartment/hotel hybrid use, the applicant is required to request a Conditional Use Permit."), <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZDMxY2FjMwQYtYzA4OC00NzRjLWJmYWVWZlYyZk2NTcxNDI30>; Letter of Determination (2/27/98) ZA-97-0945-CUZ-ZAI, p. 3 (restriction on conversions "shall run with the land and shall be binding on any subsequent owners, heirs or assigns.")

<sup>7</sup> See City of Santa Monica (8/9/18) Rent Control Board Memo, p. 2 (discussing potential steps for the City of Santa Monica to address "a new threat to the rental housing supply ... as an increasing number of landlords have begun to rent to corporate entities who use rent-controlled units for other than the provision of long-term, permanent housing, or themselves rent units to short-term visitors ... Although these practices effect less of a wholesale loss of units than does the demolition of an entire apartment building, the loss is nonetheless real."), <https://www.smgov.net/uploadedFiles/Departments/Rent%20Control/About%20the%20Rent%20Control%20Board/Staff%20Reports/2018/Item%2012A%20Corporate%20Housing.pdf>.

This is particularly appropriate given the MND's impact determinations rely heavily on the Project's infill-residential nature, specifically providing multi-family residential units in a transit-rich and pedestrian-oriented area. *See e.g.*, MND pp. III: 5-6 (air quality impacts); III:42-49 (GHG impacts); III:67-82 (land use impacts).

In addition to ensure compliance with CEQA, this condition is necessary to make sure Onni does not skirt its compliance with the City's Affordable Housing Linkage Fee requirements, which applies to non-residential uses "including hotels."<sup>8</sup> Here, the Project provides only market-rate units with zero affordable housing. MND, pp. III-47, 67, 71-74. ***It is imperative that if Onni seeks to convert this Site into a hotel-like use, via a backdoor CoO permit issued by DBS, the Applicant must be subject to and pay all linkage fees.*** Additionally, the Project provides primarily private open-space to its tenants, with limited opportunities for the public, which is underserved by parks. MND, Fig. III:2, pp. III:122-123. Because the Project is requesting TFAR and subject to public benefit provisions under the Code, all public benefits should prioritize open-space, parks, and affordable housing opportunities near the Project Site, as the TFAR Ordinance was intended to serve.<sup>9</sup>

## B. AESTHETIC/SHADOW/HISTORIC IMPACTS

Notwithstanding Senate Bill 743, CEQA and the City Code require aesthetics/shadow impacts to be disclosed to serve CEQA's informed public decision-making purpose, especially when said impacts could have impacts on historic resources. Here, the MND's cursory discussion of aesthetic impacts (MND, pp. III:1-2) fails to include any meaningful discussion of potential aesthetic/shadow impacts caused by a new 60-story, 760-foot tall building on the Site, which is surrounded primarily by low to mid-rise structures reaching no higher than 12 stories (in one instance). MND, pp. II:7-11; MND, APP-B, PDF p. 10. Immediately adjacent to the Project Site are two historic resources, the Mayan Theater and the Western Pacific Building, which are clearly visible from the Hill/Olympic intersection. MND, pp. III:20-22; MND, APP-B, PDF p. 11 (Fig. 2). As depicted in the MND, the Project will substantially dwarf and obscure these resources. MND, Figs. II:13; MND, APP-B, PDF p. 19 (Fig. 8).

Under the City's CEQA Threshold Guide ("LA CEQA Guidelines"),<sup>10</sup> a project's historic impact is significant if it would result in a substantial adverse change in the significance of an historical resources, such as not conforming to the Secretary of the Interior's Standards and Guidelines ("SoI Guidelines"),<sup>11</sup> reducing the integrity or significance of important resources on the site or vicinity, being incompatible in mass and scale, or indirectly reducing the viability of a district or group of historic resources. *See LA CEQA Guidelines*, pp. D.3:3-5. This is echoed in the SoI Guidelines, which recognize that new construction "in extreme contrast" to historic buildings is not compatible and, rather, "should be appropriately scaled and located far enough away from the historic building to maintain its character and that of the site and setting." SoI Guidelines, p. 26. For example, the Project exemplifies features that are specifically not recommended by the SoI Guidelines, such as: "locating parking areas directly adjacent to historic buildings where vehicles may cause damage to buildings or landscape features" (*id.* at p. 142); "introducing new construction on the building site which is visually incompatible in terms of size, scale, design, material, or color" (*id.*); new construction "in a

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staff report for an example of how a nearby jurisdiction is handling proliferation of corporate housing. <  
[https://www.smgov.net/uploadedFiles/Departments/Rent Control/About the Rent Control Board/Staff Reports/2018/Item%2012A%20Corporate%20Housing.pdf](https://www.smgov.net/uploadedFiles/Departments/Rent%20Control/About%20the%20Rent%20Control%20Board/Staff%20Reports/2018/Item%2012A%20Corporate%20Housing.pdf)>

<sup>8</sup> *See DCP Memo (7/16/18) Affordable Housing Linkage Fee Ordinance and Updated Fee Schedule*, p. 4, <https://planning.lacity.org/ordinances/docs/ahlf/ImplementationMemo.pdf>.

<sup>9</sup> <https://www.planningreport.com/2007/04/19/city-la-approves-tfar-ordinance-let-high-rises-rise>.

<sup>10</sup> <http://planning.lacity.org/Documents/MajorProjects/CEQAThresholdsGuide.pdf>.

<sup>11</sup> <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>.



manner that obscures, damages, or destroys character-defining features of the historic building ... [c]onstructing a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character)[]" (*id.* at 156); "[p]lacing new construction too close to the historic building so that it negatively impacts the building's character, the site, or setting ... [a]dding new construction that results in the diminution or loss of the historic character of the building, including its design, materials, location, or setting ... [c]onstructing a new building on a historic property or on an adjacent site that is much larger than the historic building[]" (*id.* at 161-162).

### C. GHG IMPACTS

Here, the MND fails to demonstrate that the Project has a less than significant GHG impacts. The MND references three general thresholds offered by the CEQA Guidelines (14 Cal. Code Regs.) including whether the Project (1) increases GHG emissions above baseline conditions, (2) exceeds a threshold of significance that applies to the project, or (3) complies with regulatory requirements adopted to reduce GHG emissions. (MND, p. III:38). Here, all three significance thresholds are triggered.

First, the MND demonstrates that the Project will generate 8,204.63 metric tons of CO<sub>2</sub> equivalents per year ("MTCO<sub>2</sub>e/yr"), which is above the assumed baseline of zero. (MND, p. III:39-40).

Second, while noting South Coast Air Quality Management District ("SCAQMD")'s interim CEQA significance thresholds of 3,000 MTCO<sub>2</sub>e/yr, the MND fails to compare the Project's against this threshold despite the City's consistent use of this threshold for similar projects,<sup>12</sup> some of which using the same environmental prepares used here (Parker Environmental Consultants).<sup>13</sup> Here, the Project's 8,204.63 MTCO<sub>2</sub>e/yr is more than double SCAQMD's 3,000 MTCO<sub>2</sub>e/yr threshold.

Nor does the MND mention SCAQMD's proposed project-level efficiency target of 4.8 and 3.0 MTCO<sub>2</sub>e/yr per service population ("MTCO<sub>2</sub>e/yr/sp") as a 2020 and 2035 GHG reduction target (respectively),<sup>14</sup> which has also been used by the City.<sup>15</sup> Per SCAQMD guidance, because the Project's GHG emissions exceed the SCAQMD's 3,000 MT CO<sub>2</sub>e/yr screening-level threshold, the Project's emissions should be compared to the proposed 2020 and 2035 efficiency targets. Here, given the Project's service population is 1,248 (1176 residents and 72 employees) (MDN, pp. III:111-112), the Project will have a GHG efficiency of 6.57 MTCO<sub>2</sub>e/yr/sp,<sup>16</sup> which exceeds both

<sup>12</sup> See e.g., 400 S. Alameda (May 2017) ENV-2016-3656-MND, p. IV:40-41, [https://planning.lacity.org/staffrpt/mnd/Pub\\_052517/ENV-2016-3656.pdf](https://planning.lacity.org/staffrpt/mnd/Pub_052517/ENV-2016-3656.pdf); 1400 Cahuenga (Apr. 2016) ENV-2015-3167-MND, p. 3:61, [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_040716/ENV-2015-3167.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_040716/ENV-2015-3167.pdf) and ENV-2015-3167-MND-REC 1 (Nov. 2017), p. 2:46; 6516 W. Selma Avenue (Dec. 2016) ENV-2016-4313-MND, p. IV:38, [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_122216/ENV-2016-4313.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_122216/ENV-2016-4313.pdf); 433 S. Main St. (Aug. 2017) ENV-2016-3817-MND, p. 34-35, [https://planning.lacity.org/staffrpt/mnd/Pub\\_070617/ENV-2016-3817.pdf](https://planning.lacity.org/staffrpt/mnd/Pub_070617/ENV-2016-3817.pdf)

<sup>13</sup> See e.g., 2130 E. Violet St. (Sep. 2016) ENV-2016-1707-MND, p. III:34-35 [Table III-8, note b], [http://cityplanning.lacity.org/staffrpt/mnd/Pub\\_092916/ENV-2016-1707.pdf](http://cityplanning.lacity.org/staffrpt/mnd/Pub_092916/ENV-2016-1707.pdf); 959 S. Broadway (Jan. 2016) ENV-2014-2948, p. 34-35, <http://cityplanning.lacity.org/staffrpt/mnd/ENV-2014-2948.pdf>

<sup>14</sup> See SCAQMD Working Group Meeting 15 Minutes, available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2)

<sup>15</sup> See e.g., 631 S. Spring Street (Jan. 2017) ENV-2015-2356-EIR, pp. IV.E:23-24, 28-30 <https://planning.lacity.org/eir/SpringStHotel/DEIR/DEIR%20Sections/Spring%20St%20Hotel%20IV.E%20Greenhouse%20Gas%20Emissions.pdf>; 6516 W. Selma Avenue, *supra* fn 12, p. IV:38-39;

<sup>16</sup> Calculated: (8,204.63 MTCO<sub>2</sub>e/yr) divided by (1,248 service population) equals 6.5742 MTCO<sub>2</sub>e/yr/sp.



discussed above, these requirements were not part of a qualified CAP and therefore a qualitative comparison to these regulatory requirements is irrelevant to the question of whether the Project has a significant GHG impact.

Fourth, the MND relies on speculative mitigation measures. The claimed nine percent reduction in GHG emissions (discussed above) stems from project design features and mitigation measures (“MM”) such as “implementing an operational recycling program during the life of the Project” and a 15 percent reduction in daily trips from a traffic demand management (“TDM”) Program. MND, pp. III:39-40; MND, APP-H, PDF p. 51. However, the MND fails to describe the components of the recycling program or demonstrate how it will be enforced. Similarly, the exact components of the TDM program is not certain and yet to be determined by the Department of Transportation (“DOT”). IS, pp. 22-23 [MM T-1]; MND, APP-H, PDF pp. 3-4. Nor is the TDM Monitoring Program sufficiently described (IS, pp. 22-24 [MM T-2]), such as what frequencies the TDM Program shall be reviewed, how disputes between DOT and the Applicant shall be resolved, or what penalties shall be available to ensure actual enforcement of the TDM Program. At minimum, the City should commit the Project to concrete, meaningful mitigation measures, such as

- Free transit passes for all residential tenants and employees of the Project, including those in the 15,000 SF ground floor retail/commercial space;
- Provide rideshare matching services;
- Funds for the Metro Bikeshare program; and
- A more thorough TDM Monitoring Program with vigorous oversight and penalties with actual teeth.

#### D. TRAFFIC IMPACTS

Here, the MND analyzed traffic impacts assuming high-rise residential uses (ITE use code 222 and 232), which generates 4.20 daily trips with a 0.34/0.38 AM/PM Peak Hour rate (respectively). MND, Table III:32; MND, APP-H, PDF p. 33, 54, 73. As compared to a hotel use (ITE use code 310), like the Spring Street Hotel project listed in the MND as related project 81 (MND, p. II:34), a hotel generates 8.17 daily trips with a 0.53/0.61 AM/PM Peak Hour rate (respectively).<sup>20</sup> This is a significant increase in traffic generation with potential impacts going unanalyzed if the Project is not sufficiently conditioned to prevent the Site from being converted to a hotel use without additional CEQA review. Additionally, the only TDM strategy proposed by the Applicant is the unbundling of parking costs. MND, APP-H, PDF p. 190. As discussed above, the MND claims a 15 percent reduction in vehicle-miles-traveled (“VMT”) by incorporating this mitigation measures, which reflects measure PDT-2 proposed by the CAPCOA intended to reduce a project’s GHG emissions from mobile sources. MND, III:149, 182; MND, APP-H, PDF p. 190-193.<sup>21</sup> According to CAPCOA, this strategy while applicable to residential projects, is not applicable to hotel projects.<sup>22</sup>

***This further supports the need for an explicit restriction barring the Site’s future use as a hotel or TORs without additional CEQA review.***

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<sup>20</sup> 633 S. Spring St. (Jan. 2017) ENV-2015-2356-EIR, Table IV.J:5, <https://planning.lacity.org/eir/SpringStHotel/Deir/DEIR%20Sections/Spring%20St%20Hotel%20IV.1%20Transportation.pdf>.

<sup>21</sup> See also CAPCOA, *supra* fn. 18, pp. 210-212.

<sup>22</sup> *Ibid.*, at p. 210.





2020 and 2035 targets. This also exceeds the community-wide efficiency targets of 6.0 MTCO<sub>2</sub>e per capita by 2030 and no more than 2.0 MTCO<sub>2</sub>e per capita by 2050 proposed by the California Air Resources Board (“CARB”) in its 2017 Scoping Plan—a goal that “expands upon the reduction of 15 percent ... previously recommended in the 2008 Scoping Plan.”<sup>17</sup> The MND fails to model or provide any such efficiency target, and for the most part its entire GHG analysis is speculative fluff with little modeling.

Third, the MND cherry-picks the Project’s consistency with various plans such as CARB’s AB 32 Scoping Plan, SCAG’s 2016-2040 RTP/SCS, and the City’s Green Building Code. MND, pp. III:40-49. However, none of these plans qualify as a Climate Action Plan (“CAP”) adopted pursuant to an adequate CEQA review with the specific intent of reducing a lead agency’s fair-share contribution to the State’s GHG emissions. As made clear by the California Supreme Court, just because a “project is designed to meet high building efficiency and conservation standards, for example, does not establish that its [GHG] emissions from transportation activities lack significant impacts.” *Center for Biological Diversity v. Department of Fish & Wildlife (“Newhall Ranch”)* (2015) 62 Cal.4th 204, 229. This concept is known as “additionality” whereby GHG emission reductions otherwise required by law or regulation are appropriately considered part of the baseline and, pursuant to CEQA Guideline § 15064.4(b)(1), a new project’s emission should be compared against that existing baseline.<sup>18</sup> Hence, a “project should not subsidize or take credit for emissions reductions which would have occurred regardless of the project.”<sup>19</sup> In short, as observed by the Court, newer developments must be more GHG-efficient. *See Newhall Ranch*, 62 Cal.4th at 226. Therefore, the MND’s reliance on these non-CAP plans is a red-herring designed to make the Project’s direct and cumulative GHG impacts appear to be insignificant. MND, pp. III: 40-49, 50.

Additionally, the MND claims that the Project would achieve a nine percent reduction in GHG emissions as compared to a project without GHG reduction measures. MND, p. III:39. Although the MND claims that this comparison is “not a quantitative threshold of significance” (*id.*), it serves as a red-herring to make the Project appear to be GHG insignificant. This type of analysis is apples-to-apples to the Business as Usual (“BAU”) analysis expressly rejected by the California Supreme Court. *Newhall Ranch*, 62 Cal.4th at 227 (“[t]he analytical gap left by the EIR’s failure to establish, through substantial evidence and reasoned explanation, a quantitative equivalence between the Scoping Plan’s statewide comparison and the EIR’s own project-level comparison deprived the EIR of its ‘sufficiency as an informative document.’ [citation].”). Similarly, the MND’s analysis leaves an analytical gap showing how the Project’s compliance with regulatory requirements is relevant to determine whether the Project’s GHG emissions are insignificant. As

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<sup>17</sup> CARB (Nov. 2017) 2017 Scoping Plan, pp. 99-100,  
[https://www.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf).

<sup>18</sup> *See* Final Statement of Reasons for Regulatory Action: Amendments to State CEQA Guidelines Addressing Analysis and Mitigation of GHG Emissions Pursuant to SB-97 (“Final Statement of Reasons”) (Dec. 2009), pp. 23, 89 (while a Platinum LEED® rating may be relevant to emissions from a building’s energy use, “that performance standard may not reveal sufficient information to evaluate transportation-related emissions associated with that proposed project”), [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf); *see also* California Air Pollution Control Officers Association (“CAPCOA”) (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, pp. 32, A3 (“in order for a project or measure that reduces emissions to count as mitigation of impacts, the reductions have to be ‘additional.’ Greenhouse gas emission reductions that are otherwise required by law or regulation would appropriately be considered part of the existing baseline. Thus, any resulting emission reduction cannot be construed as appropriate (or additional) for purposes of mitigation under CEQA.”), <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

<sup>19</sup> CAPCOA, *supra* fn. 18, p. A-3.





## II. CONCLUSION

Commentors appreciate the opportunity to provide these comments. Again, Commentors respectfully request that the City withhold all project approvals until the MND cures the flaws discussed above and recirculated for public review. Additionally, Commentors request that all feasible mitigation measures and conditions be incorporated into any future Project approval, including but not limited to:

- Conditions of approval that prevent Onni or its successor-in-interest from (a) advertising or renting the Project as a short-term rental, hotel, TORS, or other hotel-like use; (b) offering leases for less than one year or allowing tenants to sublet/assign their units for less than 30 days; or (c) leasing units to corporate/business entities—all of which ensure this Project provides actual housing for long-term residents;
- Conditions that ensures any subsequent conversion to hotel-like use would be subject to a new CEQA review and subject to the City's Affordable Housing Linkage Fee;
- Prioritizing all public benefit/TFAR payments to open-space, parks, and affordable housing opportunities for the public near the Project Site;
- Free transit passes for all residential tenants and employees of the Project;
- Provide rideshare matching services;
- Funds for the Metro Bikeshare program; and
- A more detailed TDM Monitoring Program with adequate oversight and penalties.

Commentors reserve the right to supplement these comments at future hearings and proceedings for this Project. *See Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Finally, on behalf of Appellants, this Office requests, to the extent not already on the notice list, all notices of CEQA actions, Appeal hearing and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. *See* Pub. Res. Code §§ 21080.4, 21083.9, 21092, 21092.2, 21108, 21167(f) and Gov. Code § 65092. Please send notice by electronic and regular mail to: Gideon Kracov, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, [gk@gideonlaw.net](mailto:gk@gideonlaw.net) (cc: [jordan@gideonlaw.net](mailto:jordan@gideonlaw.net)).

Sincerely,



Gideon Kracov  
Attorney for Appellants

Enclosure



## Exhibit B:

Pertinent sections of Armbruster, Goldsmith and Delvac  
Letter of 7/19/18 regarding Appeal of 888. S. Olive St  
(DIR-2018-3042-BSA). Pages 2 & 3 of letter.



ARMBRUSTER GOLDSMITH & DELVAC LLP

May Sirinopwongsagon  
Los Angeles Department of City Planning  
July 19, 2018  
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On May 3, 2018, LADBS issued its decision in DBS-180033-DCP denying the appeal and rejecting each of the Appellants' arguments. On May 24, 2018, Appellants filed an appeal of LADBS' decision to the Director of Planning (the "Appeal").

As discussed in detail below, the Appeal should be denied because (a) the Building Permit was properly issued, (b) Onni has a vested right to continue to lease the units on a short-term basis, (c) Onni did not make any false statements regarding the Project, and (d) the Appeal is not timely.

**I. LABDS Properly Issued the Building Permit.**

**A. Short-Term Rentals are Permitted By Right Under the Property's Zoning.**

The City considers the short-term rental portion of the Project to be a "transient occupancy residential structure."<sup>2</sup> Such uses are similar to hotel uses and are permitted in the same zones as hotels.<sup>3</sup>

The Property is zoned [Q]R5. Hotels are generally not permitted by right in the R5 zone. However, [Q] Condition No. 2, imposed under Ordinance No. 164,307, to the site's [Q]R5 zoning expressly allows hotel uses by right. This was confirmed in the February 27, 2014 Inter-Departmental Correspondence from Alan Bell and Lincoln Lee, which states that, under [Q] Condition No. 2, "hotels, motels and apartment hotels are ... permitted by right."

Before Onni applied for the Building Permit, we spoke with the Chief Zoning Administrator, who has the authority to interpret the Zoning Code and determine the uses permitted in the various zones<sup>4</sup>. In this case, the Chief Zoning Administrator determined that, like hotel uses, short-term rentals were permitted by right under the property's zoning. Therefore, the Planning Department properly provided all required clearances for the Building Permit.

**B. Issuance of the Building Permit was a Ministerial Act Not Subject to CEQA.**

Appellants assert that the short-term rental of some units in the Project triggered additional CEQA review. However, LADBS's issuance of the Building Permit was a ministerial

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<sup>2</sup> LAMC Section 12.03 defines transient occupancy residential structure as: "A residential building designed or used for one or more dwelling units or a combination of three or more dwelling units and not more than five guest rooms or suites of rooms wherein occupancy, by any person by reason of concession, permit, right of access, license, or other agreement is for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days."

<sup>3</sup> List No. 2 of Uses Permitted in Various Zones in the City of Los Angeles, October 21, 2016.

<sup>4</sup> See, e.g., LAMC Section 12.21(A).

ARMBRUSTER GOLDSMITH & DELVAC LLP  
LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

DALE GOLDSMITH  
DIRECT DIAL: 310-254-9054

12100 WILSHIRE BOULEVARD, SUITE 1600  
LOS ANGELES, CA 90025

Tel: (310) 209-8800  
Fax: (310) 209-8801

E-MAIL: Dale@AGD-LandUse.com

WEB: www.AGD-LandUse.com

July 19, 2018

VIA E-MAIL

May Sirinopwongsagon  
City Planner  
Los Angeles Department of City Planning  
200 North Spring Street, Room 621  
Los Angeles, CA 90012

may.sirinopwongsagon@lacity.org

Re: 888 Olive Street – DIR-2018-3042-BSA

Dear May:

As you know, we represent Onni Group (“Onni”), the owner of the apartment project (the “Project”) located at 888 Olive Street, Los Angeles, California. Onni offers Project tenants traditional lease terms of six months to one year. Onni also offers variable length leases in furnished units as an amenity to those tenants who may be in the Downtown area for work-related purposes, but for periods of uncertain length. As it is not practical for these tenants to enter into long-term leases, Onni provides a more flexible lease term option.

On or about June 14, 2017, the Department of Building and Safety (“LADBS”) issued Building Permit No. 17016-10000-04924 for the Project (the “Building Permit”). Since that time, Onni has rented some Project units on a short-term basis, appropriately registered the units with the City, and paid all required transient occupancy taxes, all in good faith reliance on the Building Permit and associated clearances from the Planning Department.

Nearly *nine months* later, with full knowledge that Onni had been renting units on a short-term basis for many months, two representatives of the local hotel workers union, Charles Carnow and Antonio Mendoza (the “Appellants”), filed an appeal of the Building Permit to LADBS initiating case number DBS-180033-DCP and seeking revocation of the Project’s certificate of occupancy and underlying Project planning approvals.<sup>1</sup>

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<sup>1</sup> Over the last few years, the hotel workers union has opposed numerous hotel and other projects in an effort to unionize workers and apparently is seeking to do so here based on the misguided notion that the Project is a hotel.

May Sirinopwongsagon  
Los Angeles Department of City Planning  
July 19, 2018  
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act not subject to CEQA.<sup>5</sup> Moreover, as noted in Section IV below, the statute of limitations to challenge the Building Permit on CEQA grounds has run; therefore, Appellants' CEQA arguments are also time barred.

Moreover, the City already analyzed the environmental impacts of the Project in Mitigated Negative Declaration ENV-2008-2573 (the "MND"), and the time for challenging the MND has long since passed. While the MND did not consider the length of the lease term, this is an economic, rather than a CEQA issue. Therefore, no further CEQA review would be required, assuming for argument's sake, that the issuance of the Building Permits was discretionary instead of ministerial, and the statute of limitations had not run.

C. The Project's Planning Approvals Do Not Prohibit Short-Term Rentals.

Appellants allege that the Project's prior planning approvals prohibit short-term rentals. The Site Plan Review approval for the Project<sup>6</sup> permits "... the construction, use and maintenance of a maximum of 283 new dwelling units . . ." Regardless of the length of the lease term, each unit in the Project meets the LAMC's definition of a dwelling unit.<sup>7</sup> Moreover, there is no condition of approval that even mentions duration of lease term, much less prohibits short-term rentals.

II. **Onni Has a Vested Right to Continue to Rent Units in the Project on a Short-Term Basis.**

Appellants assert that a recent Planning Department staff report and the planning approvals sought by another project show that short-term rentals are not allowed under the Property's zoning. The staff report, which references the City's pending home sharing ordinance, includes general statements on unrelated matters, does not reference the Project, and has no legal force or effect on the Project.

Appellants further maintain that because another project in the general area is seeking a conditional use permit ("CUP") for short-term rentals, the Project must do so as well. It is unclear whether the two projects are truly comparable, and whether the applicant in the other case is seeking a CUP in an abundance of caution or because the City required one. If the later, this would represent a change in City policy from that in effect when the City issued the Building Permit. Onni has a vested right that would prohibit the application of such a policy change to the Project by virtue of its approved Vesting Tentative Tract Map<sup>8</sup>. Onni also has a vested right

<sup>5</sup> See, e.g. *Thompson v. City of Lake Elsinore* (1993) 18 Cal.App.4th 49; CEQA Guidelines Section 15268.

<sup>6</sup> DIR 2008-2600-SPR.

<sup>7</sup> LAMC Section 12.03 defines a dwelling unit as: "A group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes." Each of the Project units has a kitchen.

<sup>8</sup> LAMC Section 17.15.

May Sirinopwongsagon  
Los Angeles Department of City Planning  
July 19, 2018  
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under applicable case law as it has incurred substantial expenditures in making improvements to the Project in good faith reliance on the valid Building Permit.<sup>9</sup>

### III. Onni Did Not Make False Statements Regarding the Project.

Appellants claim that Onni made false statements regarding the Project to LADBS. As discussed above, short-term rentals are permitted by right under the property's zoning, and no discretionary planning approvals were necessary for the Project to effectuate said use. Additionally, Onni timely sought and obtained all necessary building permits needed to properly construct and operate the Project. Appellants merely (and incorrectly) state that Onni's desire to effectuate the permitted use as part of the Project constitutes a false statement or misrepresentation. This does not make sense; however, as Onni's actions demonstrate a pattern and practice of clear forthright communication with LADBS, as evidenced by seeking and obtaining all necessary building permits in order to effectuate a by right use. Finally, Appellants fail to present any evidence as to an actual false statement or misrepresentation. Indeed, they cannot as *the Building Permit application clearly stated that it was for a change of use of some of apartments to transient occupancy residential use.*

### IV. The Appeal is Untimely.

As noted, LADBS issued the Building Permit on or about June 14, 2017. However, Appellants waited until March 2018 to file the LADBS Appeal under LAMC Section 98.0403.2. While this Section does not include an express time limit for filing an appeal, one is implied based on state law statutes of limitation.

Statutes of limitation apply to all land use approvals and building permits. In this case, there was a 90-day statute of limitation for challenges (other than those based on CEQA grounds) to the issuance of the Building Permit.<sup>10</sup> As no notice of exemption was filed, there was a 180-day statute of limitations for challenges based on CEQA grounds<sup>11</sup>. Because LADBS issued the Building Permit over a year ago, all applicable state law statutes of limitation have long since run.

The purpose of these statutes of limitation is to provide finality and certainty for property owners and governments. Allowing an appeal to be filed *after* all statutes of limitation would subvert the legislative intent to provide finality and certainty and eviscerate the state law statutes of limitation. As LAMC Section 98.0403.2 is a local ordinance, it cannot trump state law. Therefore, state law dictates that any appeal of the Building Permit be filed *before* the applicable

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<sup>9</sup> *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785.

<sup>10</sup> Government Code Section 65009(c)(1)(E); Code of Civil Procedure 1094.6

<sup>11</sup> Public Resources Code Section 21167(a).

## Exhibit C:

Examples conditions prohibiting conversion of extended stay hotels to residential uses. Cases cited are ZA-97-0768 (ZAI), page 3. See ZA-97-0945 (CUZ) (ZAI), page 19. See ZA-2002-4510, ZAI, page 4



required discretionary actions, the calculation of density, the construction and the type of fees and taxes. In this instance, the applicant anticipates filing for several discretionary actions with the Department of City Planning, including conditional use permit for a hotel within 500 feet of a residential zone corner commercial development.

#### Operational Characteristics

The hotel offers special amenities to business guests. A kitchen is provided to offer an alternative to dining out. The hotel has only guest rooms and does not provide other amenities such as a bar, restaurant, meeting rooms or banquet facilities.

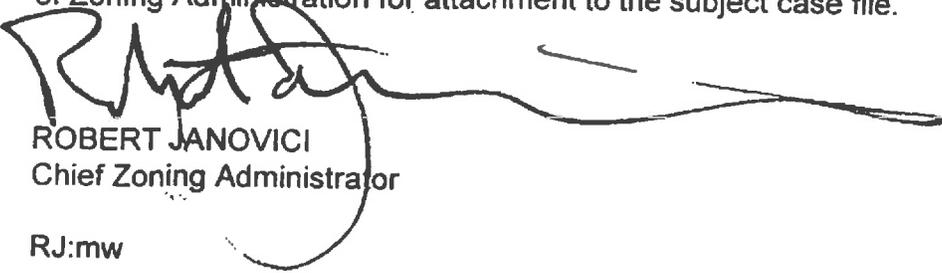
The guest is provided business specific services at a rate approximately 20% less than other hotels. Residence Inn Hotel by Marriott is able to provide these rates because they are not incurring costs associated with the additional amenities normally provided for vacationers.

#### Resolution

As noted, supra, over the course of years, Section 12.21-A,2 of the zoning regulations has been drawn upon to provide some rational result from application of various sections of the Code to an individual set of circumstances. This Section has also been interpreted to include authority to resolve conflicts between disparate narrative passages, to transcend unnecessary bureaucratic hurdles, and to provide logical results from sometimes arcane, esoteric, nuances obscured within the City's zoning regulations.

Under the circumstances of this particular situation, the proposed extended stay accommodations should be considered a hotel within the context of the City's zoning regulations. The City of Los Angeles codes were written before this trend was established and have not been updated to address this new type of hotel use. The applicant understands that there is a concern that this type of building could be converted to an apartment without the benefit of Planning Department or Building and Safety review. To eliminate this possibility, Residence Inn Hotel by Marriott must record a Covenant and Agreement to maintain and operate the proposed extended stay hotel as a commercial hotel only, and shall comply with all applicable City rules and regulations for commercial hotels.

Further, the proposed hotel shall not be converted nor operated as an apartment house or apartment hotel at any time. This agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Office of Zoning Administration for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the Office of Zoning Administration for attachment to the subject case file.



ROBERT JANOVICI  
Chief Zoning Administrator

RJ:mw



Based on the definition in the Municipal Code, the provided kitchen areas cannot be classified as a habitable room. The above findings should support the determination that these units are only guest rooms, and not dwelling units.

The hotel guest is also provided business specific services at a rate approximately less than other hotels. ESA is able to provide these rates because they are not incurring costs associated with the additional amenities normally provided for vacationers.

As noted, supra, over the course of years, Section 12.21-A,2 of the zoning regulations has been drawn upon to provide some rational result from application of various sections of the Code to an individual set of circumstances. This Section has also been interpreted to include authority to resolve conflicts between disparate narrative passages, to transcend unnecessary bureaucratic hurdles, and to provide logical results from sometimes arcane, esoteric, nuances obscured within the City's zoning regulations.

Under the circumstances of this particular situation, the proposed extended stay accommodations should be considered a hotel within the context of the City's zoning regulations. The City of Los Angeles codes were written before this marketing trend was established and have not been updated to address this new type of hotel use. The applicant understands that there is a concern that this type of building could be converted to an apartment without the benefit of Planning Department or Building and Safety review. To eliminate this possibility, ESA must maintain and operate the proposed extended stay hotel as a commercial hotel only, and shall comply with all applicable City rules and regulations for commercial hotels.

Further, the proposed hotel shall not be converted nor operated as an apartment house or apartment hotel at any time. This agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Office of Zoning Administration for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the Office of Zoning Administration for attachment to the subject case file.

#### **ADDITIONAL MANDATORY FINDINGS**

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)
7. On January 7, 1998, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. MND 97-0409(CUZ) (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby

certify that action. The records upon which this decision is based are with the Environmental Review Section in Room 1500, 221 North Figueroa Street.

8. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



ALBERT LANDINI  
Associate Zoning Administrator

AL:Imc

cc: Councilmember Ruth Galanter  
Sixth District  
Adjoining Property Owners  
County Assessor

The applicant will follow all conditions of approval imposed by the Zoning Administrator for development of this project. Several community meetings and a formal public hearing have been held on the various entitlements resulting in apparent community support. This project is intended to benefit business travelers and be a convenience to the community. The proposed project will not be detrimental to surrounding properties or the public welfare.

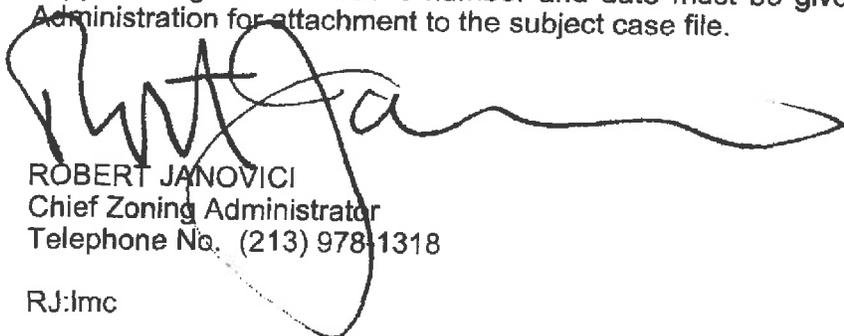
The guest is provided business specific services at a rate somewhat less than other hotels. ESA is able to provide these rates because they are not incurring costs associated with the additional amenities normally provided for vacationers.

#### Conclusion

As noted, supra, over the course of years, Section 12.21-A,2 of the zoning regulations has been drawn upon to provide some rational result from application of various sections of the Code to an individual set of circumstances. This Section has also been interpreted to include authority to resolve conflicts between disparate narrative passages, to transcend unnecessary bureaucratic hurdles, and to provide logical results from sometimes arcane, esoteric, nuances obscured within the City's zoning regulations.

Under the circumstances of this particular situation, the proposed extended stay accommodations should be considered a hotel within the context of the City's zoning regulations. The City of Los Angeles codes were written before this marketing trend was established and have not been updated to address this new type of hotel use. The applicant understands that there is a concern that this type of building could be converted to an apartment complex without the benefit of Planning Department or Building and Safety review. To eliminate this possibility, ESA must record a Covenant and Agreement to maintain and operate the proposed extended stay hotel as a commercial hotel only.

Further, the proposed hotel shall not be converted nor operated as an apartment house at any time. This agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Office of Zoning Administration for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the Office of Zoning Administration for attachment to the subject case file.



ROBERT JANOVICI  
Chief Zoning Administrator  
Telephone No. (213) 978-1318

RJ:Imc

cc: Councilmember Hal Bernson  
Twelfth District

"...A recess from a room or an alcove (other than a dining area) having 50 square feet or more of floor area and so located that it could be partitioned off to form a habitable room, shall be considered a habitable room."

Based on the definition in the Municipal Code, the provided kitchen areas cannot be classified as a habitable room. The above facts support the determination that these units are hotel guestrooms, and not apartment dwelling units.

#### Discussion

The Department of Building and Safety has indicated that under the zoning regulations, a hotel room with a kitchenette is not a guest room but is considered an efficiency (residential) unit under the strict application of the Zoning Code. Under applicable City of Los Angeles regulations, efficiency units make up an apartment building not a hotel. The definitions that establish this interpretation are as follows:

Hotel - a residential building designed or used for or containing six or more guest rooms or suites of rooms, which may also contain not more than one dwelling unit.

Guest Room - is any habitable room except a kitchen, designed or used for occupancy by one or more persons and not in a dwelling unit.

Efficiency Room - located within an apartment house or apartment hotel used or intended to be used for residential purposes which has a kitchen and a living and sleeping quarters combined therein, and which complies with the requirements of Section 91.4930.2 of this Code.

The proposed project is not to function as an apartment building, as ESA is in the hotel business. There are differences between the hotels and apartments in the required discretionary actions, the calculation of density, the construction and the type of fees and taxes. In this instance, the applicant has filed for a separate discretionary action with the Department of City Planning, i.e., Zone Variance to permit a hotel in the MR2 and [Q]CM1 Zones and to construct a building higher than the Q Condition height limit of 35 feet. This has been given Case No. ZA 2002-4508(ZV) and was heard on December 20, 2002.

As noted, supra, the proposed project is for the development of a 117-room extended stay hotel project in Chatsworth. There is to be no on-site eating establishment or other amenities for hotel guests. All rooms, with exception of the manager's unit are efficiency studio units with a full bathroom and mini-kitchenette area.

The kitchenettes in each room are hospitality kitchen areas only. The guest rooms are all serviced with a single compartment sink, a two-burner cook top, and an under-the-counter mini-refrigerator. The appliances in these rooms provide hospitality conveniences only to business travelers. These are not full apartment kitchens which would typically include the following additional conveniences: full 4-burner stove top range and oven, full size refrigerator, garbage disposal, and dishwasher. As a result, this kitchen area should not be classified as a full dwelling unit kitchen, but rather a small hospitality area in a hotel guest room.

Based on the definition in the Municipal Code, the provided kitchen areas cannot be classified as a habitable room. The above findings support the determination that these units are only guest rooms, and not dwelling units.

## Exhibit D:

Example conditions limiting lease terms. Cases cited are ZA-98-0610 (CUZ) page 4, banning lease terms for extended stay hotel of more than 30 days and ZA 2004-4607(CU) page 2, banning lease terms for less than 30 days for a residential hotel intended for longer term tenants. .



the trees are planted so as to shade a surface parking area. An automatic sprinkler system shall be installed to water the trees.

21. All lighting shall be shielded and directed onto the site. No floodlighting shall be located so as to shine directly onto any adjacent residential property. This condition shall not preclude the installation of low-level security lighting.
22. A responsible adult shall be on site at all times and shall be responsible for maintaining the site, discouraging illegal activities on the site and enforcing the subject conditions.
23. Garage floors and ramps shall be constructed with textured surfaces to minimize tire squeal noises.
24. Four public telephone are allowed on the subject property. Said phones shall be located at the check-in counter where their use can be monitored can be monitored by employees of the establishment.
25. A parking area and driveway plan shall be prepared to the satisfaction of the Planning Department, District Office of the Bureau of Engineering and Department of Transportation and a copy shall be submitted to the Planning Department for placement in the subject file.
26. Guest registration cards must contain the names, addresses, valid identification and vehicle information, if applicable, of all occupants of a guest room.
27. All registration cards shall be maintained for at least one year.
28. All identification information from registration cards shall be provided as requested by the Planning Department or Police Department.
29. All rooms shall be rented for minimum periods of 24 hours. A room may be rented only once in a 24-hour period.
30. Rooms shall not be rented to an individual or set of individuals for a period in excess of 30 consecutive days.
31. The applicant shall be responsible for discouraging loitering in and around the subject property.
32. All signs shall be of an identifying nature only and shall be arranged and located so as not to be a distraction to vehicular traffic or adjacent residential areas and to minimize visibility from a freeway in accordance with Section 91.6201 of the Los Angeles Municipal Code. Flashing and animated signs are prohibited. The three billboards now on-site shall be removed, prior to issuance of a final

allowable units at a rate of one per 600 square feet of land area as though the project were being built as an apartment building. In no case shall the number of guest units/suites exceed 142.

9. Parking shall be calculated for the approximately 142 unit motel at either the rate for hotels, motels, or an apartment building the greater of the rates shall be applied to insure maximum required parking, but in no case shall there be less than 142 parking spaces provided on site.
10. All of the units may contain kitchens, wet bars, or micro wave areas and be considered "extended stay" units.
11. All guests must guarantee the room with a major credit card.
12. The facility shall not be used as a SRO or long term residency hotel.
13. The project shall comply with the requirements of the Hollywood Redevelopment Plan - if the subject location so dictates - to the satisfaction of the Director of Planning and the Director of the Community Redevelopment Agency prior to the issuance of any grading and or building permits.
14. No selling or serving of alcoholic beverages is permitted on the subject property.
15. There shall be no balconies which have a line of sight to the church located to the west of subject site or any nearby residential properties.
16. The project shall meet all yard requirements of the R4 and R5 Zones.
17. Before being allowed to register, a guest shall be required to show a valid photo identification.
18. The facility manager shall require valid identification from all individuals entering any guest room and shall record the same information on registration cards for the room.
19. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, to the satisfaction of the Planning Department.
20. At least one 24-inch box shade tree shall be planted for every four uncovered, unroofed surface parking spaces. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by curbing or other suitable measures, to the satisfaction of the Planning Department. The shade trees may be planted along the periphery of a parking area provided that

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The guest rooms shall be rented on a month-to-month basis for not less than 30 days.
7. Guest rooms shall not include kitchens, only cooking appliances as allowed for "light housekeeping rooms" per the Los Angeles Building Code.
8. The residential hotel shall contain no meeting rooms, recreation centers, or health clubs.
9. The studio area of each of the joint living and work quarters units shall be operated by the resident(s) of the subject dwelling units.
10. The authorized use (joint living and work quarters units) shall be of no force and effect unless and until satisfactory evidence is presented to the Zoning Administrator for review and attachment to the file that a business tax registration certificate has been issued to each tenant by the Office of Finance pursuant to Los Angeles Administrative Code Section 21.03 permitting those persons to engage in business as artists or artisans.
11. Tenants of the two joint living and work quarters units shall be restricted to artists/artisans who both live and produce work on the site.
12. Leases for the joint living and work quarters units shall contain a provision prohibiting any use which results in any noise, vibrations or odors beyond the unit, and shall contain the following conditions:
  - a. Production Techniques. The creating, assembling, compounding or treating of articles shall be accomplished by hand, or to the extent practical for a particular artifact. Mass produced parts may be used only if incidental to the basic artifact. In those production techniques which necessitate the use of a kiln, the total volume of kiln space shall not exceed 24 cubic feet and no individual kiln shall exceed eight cubic feet. Power tools shall be limited to electrically operated motors of not more than one horse power.
  - b. Location of Equipment. The machinery and equipment shall be so installed and maintained, and the activity shall be so conducted, that noise, smoke, dust, odor and all other objectionable factors shall be confined or reduced to the extent that no annoyance or injury will result to persons residing in the vicinity.



Exhibit E:

Letter of Decision on 1000 S Hill St, Issued 9/6/18.

