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**DIRECTOR'S DETERMINATION
TRANSFER OF FLOOR AREA
SITE PLAN REVIEW**

July 22, 2016

Applicant

940 Hill LLC
333 South Alameda Street #201
Los Angeles, CA 90020

Owner and Representative

Julia Chang
DGB Line
440 Shatto Place, #415
Los Angeles, CA 90020

Case No. DIR-2015-90-TDR-SPR
CEQA: ENV-2015-91-MND
Location: 936, 940, 944, and 958 South Hill Street
Council District: 14 – Huizar
Neighborhood Council: Downtown Los Angeles
Community Plan Area: Central City
Land Use Designation: High Density Residential
Zone: [Q]R5-4D
Legal Description: Lot A, B, FR 16 and 17, John G. Downey Tract

Last Day to File an Appeal: August 8, 2016

Pursuant to Los Angeles Municipal Code Sections 14.5.7 and 16.05, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Conditionally Approve a Floor Area Deviation to allow a Transfer of Floor Area of less than 50,000 square feet to permit an increase in floor area of 49,999 square feet for a total floor area of 259,583 square feet, or a 7.4:1 FAR, in lieu of the otherwise allowed maximum 210,519 square feet of floor area and a 6:1 FAR.

Conditionally Approve a Site Plan Review for the creation of 50 or more residential units.

Adopt the attached findings and Conditions of Approval.

Adopt Mitigated Negative Declaration ENV-2015-91-MND as the project's environmental clearance pursuant to the California Environmental Quality Act and Section 21082.19(c)(3) of the California Public Resources Code; and the Mitigation Monitoring Program (MMP) for the associated Mitigated Negative Declaration.

Request that within six months of the receipt of the Public Benefits Payment by the Public Benefit Trust Fund, the Chief Legislative Analyst convene the Public Benefit Trust Fund Committee, pursuant to Section 14.5.12 of the LAMC.

Advise the applicant that pursuant to the California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that environmental mitigation measures are implemented and maintained through the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

A. ENTITLEMENT CONDITIONS

The approval is subject to the following terms and conditions:

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan and elevations labeled Exhibit "A" included in the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Use.** The project shall be limited to a mixed-use building with 232 residential units and 14,000 square feet of commercial floor area.
3. **Floor Area.** Development on the subject property shall be limited to a 7.4:1 Floor Area Ratio (FAR), or a total floor area of 260,509 square feet.
4. **Parking.** Provide residential parking per the Central City Parking District standards, L.A.M.C. 12.21-A,4(p) without differentiating between residential apartment and residential condominiums; for a minimum of 259 residential parking spaces and 13 commercial parking spaces for a total of 272 parking spaces.
5. **Bicycle Parking.** On-site bicycle parking shall be provided in compliance with the commercial and residential parking requirements of the LAMC.
6. **Landscaping.** 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.
7. **On-Site Trees.**
 - a. Based on 232 proposed dwelling units, the project shall provide 58 on-site trees, pursuant to Section 12.21-G.2(a)(3) of the Los Angeles Municipal Code (one 24" box tree per every four (4) units).
 - b. In the event that the required trees cannot be accommodated on the project site, the applicant shall make arrangements with City Plants to have the trees planted off-site. The first priority for the location of off-site plantings shall be within the Central City Community Plan Area. If trees cannot be planted within the Central City Community Plan Area, the location shall be determined by City Plants.
 - c. The applicant shall provide funds to City Plants equivalent to those necessary for the trees, concrete cut, planting, and five years of watering and maintenance for each tree. An agreement with City Plants demonstrating compliance with this condition shall be furnished at the time of Building Permit Clearance. Contact City Plants, at (213) 473-9950 to execute the agreement.
 - d. In the event that the number of residential units is reduced, the minimum number of trees to be planted on-site shall not be reduced. However, the number of trees to be planted off-site shall be recalculated per LAMC requirements.
8. **Signage.** No billboard signage shall be permitted on-site.

9. **Exterior Lighting.** Exterior lighting for the building shall comply with Downtown Design Guide Section 8.F.
10. **Maintenance.** The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
11. **Public Benefit Payment.** The project is subject to and shall pay a Public Benefit Payment in conformance with Section 14.5.9 of the Los Angeles Municipal Code (LAMC). Based on the sales price of \$13,600,000, the applicant shall provide a Public Benefit Payment in the amount of \$1,292,019.00.
 - a. The Applicant shall pay the required Public Benefit Payment, less the cost of the any Direct Provision of Public Benefits, in cash to the Public Benefit Trust Fund, pursuant to the terms of Transfer of Floor Area Rights Ordinance No. 181,574, Article 4.5 of the LAMC. The Public Benefit Payment proof of cash payment and direct provision of public benefits is required upon the earliest occurrence of either:
 - i. The issuance of the building permit for the Project; or
 - ii. Twenty-four months after the final approval of the Transfer and expiration of any appeals or appeal period should the Applicant not make the required payments within the specified time the subject approval shall expire, unless extended by the Director of Planning in writing.
 - b. The Public Benefit Payment shall be pro-rated to the amount of TFAR being acquired in the event that maximum amount of TFAR approved is not required. During clearance, the final appraised value may be subject to verification prior to payment of the Public Benefit Payment.
12. **Downtown Design Guidelines.** The proposed project as depicted in Exhibit "A" shall comply with the following Downtown Design Standards:
 - a. Sidewalks and Setbacks.
 - i. Two outdoor seating areas shall be provided – one along Olympic Boulevard and one along the alley, as shown on Exhibit "A," and shall be open to the public during business hours.
 - b. Ground Floor Treatment.
 - i. The project shall provide ground floor retail space to a depth of at least 25 feet from the façade and include an average 14'-0" floor-to-ceiling height.
 - ii. The primary entrance to each street level tenant space that has its frontage along a public street shall be provided from that street.
 - iii. One building entrance, which provides access to the building's main lobby and which is kept unlocked during business hours, shall be located on along Hill Street.

- iv. Wall openings on the ground floor, including storefront windows and doors, shall comprise at least 75 percent of a building's street level façade along Olympic Boulevard.
 - v. The project shall provide clear glass for all wall openings along Olympic Boulevard (Retail Streets). Dark tinted, reflective, or opaque glazing is not permitted for any required wall opening along both street level facades.
 - vi. Ground-floor window and door glazing shall be transparent and non-reflective.
 - vii. The project's electrical transformers, mechanical equipment, and other equipment shall not be located along the project's ground floor along Olympic Boulevard or Hill Street.
- c. Parking and Access.
- i. Except for the ground level frontage required for access, no parking or loading shall be visible on the ground floor of any building façade that faces Hill Street or Olympic Boulevard.
 - ii. Parking, loading, or circulation located above the ground floor shall be integrated into the design of the building façade.
 - iii. Drop-off activities for residential and commercial uses shall be provided within the off-street parking facilities using the parking access.
 - iv. No more than the minimum required parking shall be provided unless provided for adjacent buildings that lack adequate parking.
 - v. Parking and loading access shall be located a minimum of 25 feet from a primary building entrance, pedestrian paseo, or public outdoor gathering area.
 - vi. Where a vehicular exit from a parking structure is located within five feet of the back of sidewalk, a visual/audible alarm shall be installed to warn pedestrians and cyclists of exiting vehicles.
- d. Massing and Street Wall.
- i. The project shall maintain an identifiable break between the building's ground floor commercial uses, podium parking levels, and the residential floors. This break may consist of a change in material, change in fenestration, or similar means.
- e. On-Site Open Space.
- i. The project shall provide a combined minimum of 34,913 square feet of public and private open space as shown on the "T0.01" sheet of Exhibit "A".
 - ii. At least 50 percent of the trees on-site are canopy trees that shade open spaces, sidewalks, and buildings.

- iii. An outdoor patio area along Olympic Boulevard and along the alley shall be available for patrons of the ground floor retail establishments.
 - iv. Fifth floor amenity deck shall consist of a minimum of 10,403 square feet of amenity/open space (5,850 square feet of open area on podium, 2,900 square feet of pool and jacuzzi area, and 1,653 square feet of outdoor community area). In addition, the fifth floor terrace shall consist of a minimum of 823 square feet.
 - v. Rooftop deck shall consist of a minimum of 5,000 square feet of amenity/open space.
- f. Architectural Detail.
- i. The project shall provide well-marked entrances to cue access and use.
 - ii. Main building entrances should read differently from retail storefronts, restaurants, and commercial entrances.
 - iii. Different architectural treatment on the ground floor façade than on the upper floors shall be required and feature high quality materials that add scale, texture and variety at the pedestrian level.
 - iv. Exterior lighting shall be shielded to reduce glare and eliminate light being cast into the night sky.
- g. Streetscape Improvements.
- i. Street trees shall be spaced not more than an average of 25 feet on center and shall comply with Downtown Design Guide Section 9.F. At least 50 percent of the provided trees shall be canopy trees in conformance with Downtown Design Guide Section 7.
 - ii. The developer shall install street lights to the satisfaction of the Bureau of Street Lighting.
 - iii. The applicant shall execute a Maintenance Agreement with the City by which the developer or Lead Public Agency agrees to maintain the streetscape improvements and accepts liability for them.
13. **On-Site Landscape Conditions.** The project shall comply with the Landscape Plan in Exhibit "A" as follows:
- a. Ground floor outdoor seating areas shall be landscaped and shall be large enough to fit tables and chairs for restaurant patrons.
 - b. Amenity decks on the 5th floor and the rooftop shall include attractively landscaped passive outdoor areas; including lounge areas, barbecue areas, fire pits, and pool and spa areas that enhance the outdoor experience of the development.
 - c. All planters containing trees shall be constructed at a minimum depth of 48 inches.

- d. All rooftop equipment and appurtenances shall be screened from public view using landscaping or shall be architecturally integrated into the design of the building.

B. ENVIRONMENTAL CONDITIONS

- 14. **Light.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
- 15. **Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
- 16. **Air Quality.**
 - a. Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
 - b. Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
- 17. **Biological Resources.** Tree Removal (Public Right-of-Way) - Removal of trees in the public right-of-way requires approval by the Board of Public Works. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077). The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. The number, type and size of replacement trees to be provided in the public right-of-way shall be provided per the current Urban Forestry Division standards and to the satisfaction of the Department of Public Works.
- 18. **Green House Gas Emissions.**
 - a. Only low- and non-VOC-containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the project to reduce VOC emissions to the maximum extent possible.
 - b. Any new construction shall include 20 percent of parking spaces set aside for EV-ready parking.
- 19. **Hazards and Hazardous Materials.** Prior to the issuance of a building permit, the Applicant shall develop and emergency response plan in consultation with the Fire Department. The emergency response plan shall include, but not be limited to, the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.
- 20. **Land Use/Planning.** An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.

21. Increased Noise Levels (Demolition, Grading, and Construction Activities).

- a. 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.
- b. To the maximum extent possible, demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- d. A temporary noise control barrier shall be installed on the property line of the construction site abutting residential uses. The noise control barrier shall be engineered to reduce construction-related noise levels at the adjacent residential structures with a goal of a reduction of 10 dBA. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all windows have been installed and all activities on the project site are complete.

22. Severe Noise Levels [Residential fronting on (former) Major or Secondary Highway].

- a. All exterior windows having a line of sight of a Major or Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a STC value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
- b. The Applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

23. Temporary Groundborne Vibration Impacts

- a. All new construction work shall be performed so as not to adversely affect the designations surrounding the project Site. Specifically, this mitigation measure is provided to ensure vibration from construction of the proposed project does not adversely impact nearby buildings, which include the building to the north abutting the project site. Prior to commencement of construction, a qualified structural engineer shall survey the existing foundations and structures of the nearby buildings listed above, and provide a plan to protect them from potential damage. The structural monitoring program shall be implemented and recorded during construction.
- b. The performance standards of the structure monitoring plan shall including the following:
 - i. The qualified structural engineer shall monitor vibration during vibration-causing construction activities to ensure that the established impact threshold and shoring design is not exceeded. If feasible, alternative means of setting piles such as predrilled holes or hydraulic pile driving shall be employed to avoid exceeding the impact threshold established. At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-on letter describing damage, if any, to immediately adjacent buildings and recommendations for any repair.

24. **Increased Noise Levels (Mixed-Use Development).** Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.
25. **Increased Noise Levels (Parking Structure Ramps).**
 - a. Concrete, not metal, shall be used for construction of parking ramp.
 - b. The interior ramps shall be textured to prevent tire squeal at turn areas.
26. **Increased Noise Levels (Rooftop Amenity Space).** The surface of the rooftop amenity deck and the sound barriers shall be constructed with materials with acoustically the lowest noise transmission quality commercially available to the satisfaction of the decision maker.
27. **Public Services (Fire)**
 - a. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department 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, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
 - b. PS-2 Emergency Evacuation Plan. Prior to the issuance of a grading permit the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals and fire departments.
 - c. PS-3 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. 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.
28. **Public Services (Police – Demolition/Construction Site).** 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.

29. **Transportation/Traffic (Increase Vehicle Trips/Congestion).**
- a. Implementing measure(s) detailed in DOT's communication to the Planning Department (DOT Case No. CEN 14-42698 dated February 6, 2015, attached) shall be complied with. Such report and mitigation measure(s) are incorporated herein by reference.
 - b. A Construction work site traffic control plan shall be submitted to DOT for review and approval in accordance with the LAMC prior to the start of any construction work. The plans shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction related traffic shall be restricted to off-peak hours.
 - c. All delivery truck loading and unloading shall take place on site or within the boundaries of an approved traffic control plan and the alley.
30. **Transportation and Traffic (Construction).** The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety at all times during the construction period.
31. **Transportation and Traffic (Pedestrian Safety).**
- a. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
 - b. Temporary pedestrian facilities shall be adjacent to the project site (along Main Street) and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
 - c. A covered walkway along Main Street shall be provided where pedestrians are exposed to potential injury from falling objects.
 - d. Applicant shall keep sidewalk open along Main Street during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.
 - e. The adjacent sidewalk along Main Street shall remain open and unobstructed during the demolition and construction phase of the project. Pursuant to LAMC Section 62.45, permits shall be obtained from the Bureau of Street Services prior to the closure of any adjacent sidewalks and/or construction of protection fences or canopies within the public right-of-way. Protection of pedestrian access shall be provided to LAMC Section 91.3306.

32. **Utilities (Local Water Supply – Restaurant, Bar, or Nightclub)**

- a. Install/retrofit high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- b. Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- c. Install/retrofit and utilize only restroom faucets of a self-closing design.
- d. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

C. ADMINISTRATIVE CONDITIONS

33. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff “Final Plans”. A copy of the final plans, supplied by the applicant, shall be retained in the subject case file.
34. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
35. **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.
36. **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.
37. **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.

38. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
39. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the property owners in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject case file.
40. **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.
41. **Prior to the clearance of any conditions.** The applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
42. **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 \$25,000. 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. Actions 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.

Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

PROJECT BACKGROUND

The proposed project includes the demolition of a 24,432 square-foot one-story commercial building and the construction, use, and maintenance of a mixed-use building with 232 apartment units and 14,000 square feet of ground floor commercial space. The proposed project would include a 20-story building that is approximately 240 feet above grade to the top of the parapet with 16 stories of residential units over a 4-level podium with 3 levels of parking and ground-floor commercial space. The proposed project's parking would satisfy the minimum LAMC requirements for the proposed commercial and residential land uses. Vehicular access to the project site will be provided via two driveways on Hill Street and from the alley. On-site bicycle parking spaces, private and common open space areas, and trees will be provided to meet the

parking spaces, private and common open space areas, and trees will be provided to meet the requirements of the LAMC. In total, the proposed project will include approximately 259,583 square feet of developed floor area (208,869 square feet of residential space and 14,000 square feet of commercial space) resulting in a floor area ratio (FAR) of 7.4 to 1.

The subject site is a flat parcel containing 35,086 net square feet of land in the South Park neighborhood of Downtown Los Angeles, located at the southeast corner of Olympic Boulevard and Hill Street. A mix of high-density residential uses and commercial uses makes up the general character of the surrounding neighborhood. Properties to the northwest, across Hill Street are zoned [Q]R5-4D and are developed with a newly constructed seven-story, 285-unit mixed-use building. Properties to the east, across the abutting alley, are zoned [Q]C2-4D-CDO and are developed with a surface parking lot and an adaptive reuse project that is currently under construction. Properties to the south, across Olympic Boulevard, are zoned [Q]R5-4D-O and are developed with a one-story commercial/office building and surface parking lot.

The adopted Central City Community Plan designates the property for High Density Residential land use corresponding to the R5 Zone. The R5 Zone permits dwelling units at a density of 200 square feet of floor area per dwelling unit. The project provides a net lot area of 35,086 square feet and is seeking a Transfer of Floor Area of 49,999 square feet of floor area, resulting in a 7.4:1 floor area ratio. With the floor area transfer, the project would be allowed a maximum floor area of 260,509 square feet in lieu of the otherwise allowable 210,519 square feet of floor area per the existing 6:1 floor area ratio.

Streets and Circulation

Hill Street, adjoining the property to the west is a designated Modified Avenue II dedicated to a width of 56 feet.

Olympic Boulevard, adjoining the property to the south is a designated Modified Avenue I, dedicated to a width of 76 feet.

Blackstone Court (alley), adjoining the site to the east, is a one-way public alley dedicated to a width of 12 feet.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property

Case No. VTT-73669-CN: On June 15, 2016, the Deputy Advisory Agency approved a Vesting Tentative Tract request to allow for the subdivision of the site into one airspace lot to facilitate the construction of 232 residential units and nine (9) commercial condominium units (14,000 square feet of floor area). In addition, the Advisory Agency approved a deviation from the Advisory Agency's Residential Parking Policy to instead apply the Central City Parking District standards, to allow parking to be provided according to the Central City area for a total of 259 residential parking spaces and approval for 13 commercial spaces (272 parking spaces).

TRANSFER OF FLOOR AREA FINDINGS

1. That the Project is proper in relation to the adjacent uses or the development of the community.

The proposed project is the redevelopment of an existing one-story commercial/office building and associated surface parking lot into a new 20-story, mixed-use development composed of 232 residential units with 14,000 square feet of ground floor commercial space within the highly-urbanized South Park neighborhood of Downtown Los Angeles. The site is adjacent to many newly constructed mixed-use buildings along Hill Street and other mixed use buildings under construction along Olympic Boulevard. The site is within walking distance to the Historic Downtown district to the north, City Markets to the east, and the Los Angeles Sports and Entertainment District to the west. The site is located within the Downtown Design Guide Project Area, which is a Design Guide intended to provide guidance for creating a livable downtown. The site is within the South Park area, per the Downtown Design Guide. With no density limits and requests of transfer of floor area ratios available to surrounding properties, this area has the potential for high-density development and is intended to serve as a vibrant neighborhood for the existing and future residential, retail, and entertainment uses in Downtown. The development of a new 20-story building is consistent with the existing development pattern in the area. Existing buildings range from three to 27 stories. In addition, the project is located approximately 0.6 miles from the Metro Red Line and is within walking distance to multiple bus lines/stops.

Surrounding properties include newly constructed mixed-use buildings, historic adaptive reuse buildings, high-rise office buildings, and surface parking lots. Properties to the north, along Hill Street, are currently developed with industrial buildings and surface parking lots. Parcels to the north of the project site, at 920 South Hill Street, are entitled for the construction of a new 32-story mixed-use building with 239 residential units and ground floor commercial uses. Properties to the east, across the alley, are under construction for the development of a new 15-story mixed-use building. Properties to the south, across Olympic Boulevard, are developed with surface parking lots and one-story commercial buildings. Properties to the west, across South Hill Street, are developed with a newly constructed 285-unit mixed use building. The proposed project will create 232 new residential units and 14,000 square feet of commercial uses in the South Park neighborhood of the Central City Community Plan area.

The Downtown Design Guide states that retail streets are required to provide ground floor commercial space. The project will provide 14,000 square feet of commercial uses along Olympic Boulevard (Retail Street), wrapping around the alley with will activate the abutting streets and alleyway with pedestrian activity, thereby contributing to the economic vitality of Downtown. In addition, the location of the project is appropriate for a high-density residential development, as it is located within walking distance of jobs, transit, entertainment, and amenities. The conversion of the underutilized one-story commercial/office building and surface parking lot would not result in the displacement of any existing residential units. Additionally, the proximity of the site to jobs would help with the jobs-housing balance in Downtown. Overall, the project site is located adjacent to other high-density developments and historic buildings. Therefore, the project is proper in relation to the adjacent uses and the development pattern of the community.

2. **That the Project will not be materially detrimental to the character of development in the immediate neighborhoods.**

The Central City Community Plan is composed of nine districts. The proposed project is located in the South Park area. The Central City Community Plan states that the South Park area is recognized as a mixed-use community within proximity to support services, jobs, and public transportation. The South Park community includes the proximate citing of auxiliary support services such as neighborhood-supporting retail, services, and amenities for area residents, workers, and visitors. In an effort to create a linkage between jobs and housing, the development of community-serving mixed-use commercial projects is encouraged. The project site and surrounding area are designated for High Density Residential land use. The proposed project will create high-density housing and ground floor commercial space on an underutilized site. The project is designed to activate the ground floor along most sides of the building, including retail uses along South Hill Street, Olympic Boulevard, and wrapping around the alley. In addition, the residential lobby is located on Hill Street. The project will include outdoor seating areas along Olympic Boulevard and the public alley. The project will revitalize the underutilized site by creating new commercial and housing opportunities for the South Park area without displacing any existing dwelling units.

The proposed project will create new residential units and commercial opportunities that will serve residents of the building, as well as workers and visitors of Downtown. It is likely that the commercial uses will have evening hours which will coincide with the lively, urban environment of the South Park neighborhood. The project will provide high-density housing along and near several transportation lines. These lines include the Blue, Red, Purple, and Expo Lines, several major Metro Transit Authority, the DOT Dash Lines, Orange County Bus Lines and the Santa Monica Blue Bus. These transportation lines allow for access to employment centers in all parts of the metropolitan area and help reduce the number of vehicles on the road. As such, the proposed project will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the Central City Community Plan and the Downtown Design Guide, which are a part of the General Plan.

3. **That the Project will be in harmony with the various elements and objectives of the General Plan.**

The Los Angeles General Plan sets forth goals, objectives, and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within these communities in the City. The project site is not in an adopted specific plan area but is located within the boundaries of the Central City Community Plan area. The project site is designated for High Density Residential land use. As explained below, the proposed project would be in substantial conformance with the purposes, intent, and provisions of the General Plan, the Central City Community Plan, and the Downtown Design Guide:

Central City Community Plan

The South Park neighborhood is described in the Central City Community Plan as 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. Towards that end, and in the interest of creating a linkage between jobs and housing, the

development of substantial, community benefitting commercial projects will be encouraged. The project would create a linkage between jobs and housing, by locating high-density housing and commercial space within the job center of Downtown Los Angeles.

The proposed project will provide new housing and commercial opportunities that will be compatible with the design of the buildings in the immediate vicinity. The project's ground floor commercial spaces will promote pedestrian activity along Olympic Boulevard and Hill Street. The location of the project, approximately 0.6 miles southeast of the 7th Street/Metro Center rail station, optimizes development opportunities around transit and reduces dependency on the automobile.

The project is in compliance with the following objectives and policies of the Central City Community Plan:

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

Policy 1-3.1 - Encourage a cluster neighborhood design comprised of housing and services.

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

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

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

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

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

Objective 2-3 - 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.

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

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

The proposed project will add new housing choices in the South Park area to meet market demand in the City's housing-impacted Downtown (Objective 1-2). The project would improve the Central City's competitiveness as a location for offices, business, retail, and industry by providing up to 232 new residential units in the core of the Downtown (Objective 2-1) while improving the appearance of the site, which is currently developed with a vacant one-story commercial/office building and associated surface parking lot (Policy 2-1.2). The new ground floor commercial space will enhance the existing retail base in the Central City (Policy 2-2.1) and will add to the growth of downtown neighborhoods by providing local retail services (Policy 2-2.3). As a result, the project's new retail component will contribute to

economic growth of Downtown Los Angeles (Objective 2-2). Prospective commercial tenants may include restaurants or other uses that promote night life activity (Policy 2-4.1).

Housing Element

The proposed mixed-use project is consistent with the following stated objectives of the Housing Element:

Objective 1.1: Plan the capacity and develop incentives for the production of an adequate supply of rental and ownership housing for households of all income levels and needs.

Objective 2.3: Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.

Objective 2.4: Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

The City's Housing Element (adopted by the City Council on December 3, 2013) states that that the population of Los Angeles will grow by over 140,000 persons by 2021. The amount of housing needed to accommodate citywide growth is estimated to be 82,002 dwelling units by October 2021 or 10,250 units per year.

The proposed project will provide current and future downtown employees with housing at a convenient location. The proposed project will add a total of 232 dwelling units to the City's downtown housing stock. The proposed project is close to many bus transit lines, MTA rail lines and DASH service. The 7th Street/Metro Center rail station is located on West 7th Street, approximately 0.6 miles from the project site. The City Council has acknowledged the areas unique proximity to jobs and housing by creating the Central City Parking District for projects in this area.

Mobility Plan 2035

The goals outlined in the Mobility Plan 2035 are as follows:

1. Safety First
2. World Class Infrastructure
3. Access for all Angelenos
4. Collaboration, Communication, and Informed Choices
5. Clean Environments and Healthy Communities

The project will locate high-density housing near transit stations with direct connections to Union Station consistent with Mobility Plan Policies 3.6 – Regional Transportation and Union Station and 3.7 – Regional Transit Connections. The Plan's objectives are to ensure that 90 percent of all households have access within one mile to the Transit Enhanced Network and to increase the number of people that travel by walking bicycling, or transit. In addition, the project site is within proximity to several employment centers in Downtown, including the Civic Center, the Financial District, and the Fashion District and the site is close to many commercial and entertainment options which will reduce vehicle trips. The project will provide safe and secure bicycle parking for residents, in line with Policy 3.8 – Bicycle Parking.

The project proposes a pedestrian-oriented environment by locating high-density residential and retail uses in proximity to public transit and the jobs rich environment of Downtown Los Angeles. With new residents most likely to work downtown and to avail themselves of the recreational and cultural opportunities of the area, the need for automobile transportation is greatly reduced, because residents will either walk, bike, or use one of the many forms of public transportation available in the area. As a result, the project will be in harmony with the various elements and objectives of the General Plan.

4. That the Project is consistent with any applicable adopted Redevelopment Plan.

The project is located within the City Center Redevelopment Plan area, established in May 2002. The City Center Redevelopment Plan has the primary objective of eliminating and preventing blight in the Redevelopment Project Area of the Plan. The project is located within the Historic Downtown Development Area. The Redevelopment Plan contains these objectives (Section 105) and the project is consistent with them as follows:

- a. *To eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the Project Area in accordance with this Plan.*

The development of new high-density housing and new commercial space in Historic Downtown Development Area is one of the goals of Section 508.1 of the Redevelopment Plan. The proposed project will contribute to Objective 6 of the Redevelopment Plan in that the project will contribute to a balanced urban environment in downtown Los Angeles. The project would replace an underutilized one-story commercial building and surface parking lot and develop an aesthetically pleasing project, consistent with the Downtown Design Guidelines, supporting new residents and employees who would activate the street. A surface parking lot is only active when customers and automobiles are going in and out of the lot. The proposed project will provide market rate housing, community serving retail, and bicycle amenities for residents, guests, employees and customers, among many other assets and benefits. Further, the project will provide streetscape and landscape improvements. Altogether, these improvements will help to eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the project area in accordance with the Redevelopment Plan. Based on the above, the project would be consistent with the objectives of the City Center Redevelopment Plan.

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

The project will provide a high-density mixed-use development in Downtown Los Angeles within proximity to public transportation, employment opportunities, and other services, furthering the development of Downtown as the major center of the Los Angeles metropolitan region.

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

The project, with 232 residential units in a 20-story building, provides additional density to help reinforce the Central City as the center of the Downtown Los Angeles

metropolitan region. The employment and residential dwelling unit opportunities support a fair share of regional growth and development. The existing employment opportunities of Downtown Los Angeles and the potential availability of new residential dwelling units offered by the proposed project will support a fair share of the Los Angeles region's growth and development.

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

The project furthers the development and rehabilitation of economic enterprises in Downtown. The proposed project will provide retail and commercial opportunities to existing and future residents as well as to employees and visitors. The new commercial opportunities and the additional residents at the project site will further promote the economic enterprises in Downtown Los Angeles.

- e. *To guide growth and development, reinforce viable functions, and facilitate the redevelopment, revitalization or rehabilitation of deteriorated and underutilized areas.*

The project site currently functions as an underutilized one-story commercial/office building and surface parking lot. The proposed project will replace the current underutilized use with a mixed-use development that will activate the surrounding streetscape and provide new housing units and commercial opportunities thereby adding to the rehabilitation efforts of Downtown.

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

The project will provide 232 dwelling units and 14,000 square feet of commercial uses in a 20-story building that will replace a surface parking lot. The mixed-use nature of the project will ensure that there will be people on the site at all times and would further a modern, efficient, and balanced urban environment for people, including a full range of around-the-clock activities and uses in close proximity to all of Downtown's amenities.

- g. *To create a symbol of pride and identity which gives the Central City a strong image as the major center of the Los Angeles region.*

The proposed mixed-use project at 20 stories and 232 units, as envisioned, will provide a strong architectural statement building within the South Park area of Downtown Los Angeles.

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

The proposed project is within walking distance to the 7th Street and Pershing Square Metro rail stations as well as stops for a significant number of local and regional bus lines. The Project is located along major backbones of the bike lane network, including Olympic Boulevard and nearby Broadway. The Project's proximity to mass transit, bicycle infrastructure, as well as easy freeway and major highway access helps to facilitate and encourage the development of an integrated transportation system which

will allow for the efficient movement of people and goods into, through, and out of the Central City.

- i. 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.*

The site currently functions as a one-story commercial/office building and surface parking lot and there are no key landmarks or any structures on-site of architectural, historic or cultural merit that could be adaptively reused. The existing one-story building does not contain any historic features or unique characteristics.

- j. To provide a full range of employment opportunities for persons of all income levels.*

In addition to temporary construction opportunities for skilled trades, the project when completed, will provide 14,000 square feet of new commercial space that would provide job opportunities to the local community.

- k. 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.*

The proposed project will provide 232 residential units within proximity to employment, including on-site employment opportunities that will be available to all ethnic, social, and economic groups. The project will include studio units, one bedroom units, and two and three bedroom units providing housing opportunities for a wide and diverse array of income groups.

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

The project does not propose public or social services and, therefore, will not contribute to the overconcentration or exclusive concentration of such services within the project Area. The project is supportive of the City, County, and State addressing the needs of the various social, medical, and economic issues of Central City residents. The increase in property and sales taxes will benefit the local and greater community such that additional funds would be available to address the needs of the local community. Additionally, the applicant will be contributing a significant Public Benefits payment through the purchase of additional floor area. The payment of these additional funds will help further this goal and required as a condition of approval.

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

The project is consistent with the Redevelopment Plan's applicable goals and objectives, the Downtown Design Guide, which reflects public input and participation.

The project is located within the Community Redevelopment Agency's City Center Redevelopment Project area. The City Council established the City Center Redevelopment Project on May 15, 2002. The .80 acre site is bounded by 9th Street to

the north, a public alley to the east, Olympic Boulevard to the south, and Hill Street to the west. The Redevelopment plan sets limits on floor area ratios for this project area; however, the plan states that floor area ratios may exceed the maximum floor area ratios set forth through a request of a transfer of floor area pursuant that such transfers are consistent with the following criteria:

- The resulting higher density development must be appropriate in terms of location and access to the circulation system; compatible with other existing and proposed development; and consistent with the purposes and objectives of The Redevelopment Plan.
- Unless otherwise permitted by the applicable Community Plan as it now reads or as it may be amended from time to time in the future, Floor Area Ratios may only be transferred from parcels or portions thereof and to parcels or portions thereof which are within, respectively, the Historic Downtown, City Markets, or South Park Development areas.
- The Floor Area Ratio on any parcel shall not exceed the maximum Floor Area Ratio set forth in the applicable City zoning ordinance in effect at the time the transfer is made.
- Transfers of Floor Area Ratio to parcels with reasonable proximity or direct access to a public or private rapid transit station shall be particularly encouraged.
- Transfers of Floor Area Ratio from parcels on which buildings of historic, architectural or cultural merit are located shall be particularly encouraged where the transfer can reasonably be expected to further the goal of preservation of such buildings.

Pursuant to LAMC Section 14.5.7, the project is seeking a transfer of floor area that is less than 50,000 square feet where, rather than transferring area from a specific parcel, the project is permitted to pay a Public Benefit Payment fee for the exchange of additional floor area. In addition to required findings of approval, the transfer must comply with the urban design standards and guidelines adopted by the City Planning Commission. Furthermore, the applicant will be required to attain formal approval by the Community Redevelopment Agency's Designated Local Authority before the issuance of any building permits for the proposed project.

5. That the transfer serves the public interest by providing public benefits in accordance with Subparagraph (b)(1) of this subdivision.

For a Director's Authority to Approve a Floor Area Deviation Transfers of less than 50,000 square feet of floor area, a project must provide public benefits equivalent to the dollar value otherwise required for a Public Benefit Payment. A Public Benefit must serve a public purpose, such as: providing for affordable housing; public open space; historic preservation; recreational; cultural; community and public facilities; job training and outreach programs; affordable child care; streetscape improvements; public arts programs; homeless services programs; or public transportation improvements. The project is requesting a Transfer of Floor Area of 49,999 square feet, which results in a public benefit equivalency of \$1,292,019.00. Therefore, as the project will provide substantial sums of revenue for a Public Benefit Payment, the Project serves the public interest by complying with the requirements of sections 14.5.9 of the Los Angeles Municipal Code.

6. **That the Project incorporates feasible mitigation measures, monitoring measures when necessary or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and any additional findings as may be required by CEQA.**

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).

On May 19, 2016, the Department of City Planning issued Mitigated Negative Declaration No. ENV-2015-91-MND. This Mitigated Negative Declaration 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. All feasible mitigation measures have been incorporated into the project as Conditions of Approval to ensure that there will be no significant unavoidable environmental impacts.

Base on the information provided above, the lead agency has complied with Sections 15070 to 15073 of the State CEQA Guidelines. In addition, and consistent with Section 15064 of the State CEQA Guidelines, the information presented above illustrates that the comments raised in response to the Initial Study/MND have not introduced any substantial evidence to support a fair argument that the project may have a significant effect on the environment. As such, neither recirculation of the MND nor the preparation of an EIR is warranted.

The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

SITE PLAN REVIEW FINDINGS

7. **That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The proposed project is in substantial conformance with the Central City Community Plan and the Downtown Design Guide, which are a part of the General Plan. The following discusses the project's consistency with various elements of the General Plan, including the Housing Element, Mobility Plan 2035, Central City Community Plan, and the Downtown Design Guide.

The Framework Element

The Framework Element for the General Plan was adopted by the Los Angeles City Council on December 11, 1996 and readopted on August 8, 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services are all addressed in the context of accommodating future

City-wide population increases. The City's various land use "categories" are defined based on appropriate corresponding development standards including density, height, and use.

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

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

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

Objective 3.11: Provide for the continuation and expansion of government, business, and similar functions at a scale and intensity that distinguishes and uniquely defines the Downtown Center.

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

The project site is currently developed with a one-story commercial/office building and surface parking lot. The applicant proposes to construct a high-density mixed-use project with ground floor commercial space. By enabling the construction of a high-density housing project within proximity to jobs, services, entertainment uses, and a transit rich area with various MTA Metro bus lines and the MTA 7th/Metro Station, the Floor Area Deviation and Site Plan Review would be consistent with several goals and policies of the Framework Element as follows:

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

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

The high-density mixed-use project will be located within proximity to public transportation, which will provide residents with access to the Metro Transit Authority (MTA) Metro Purple, Red, Expo, and Blue Lines, several major MTA bus Lines, the DOT Dash Lines, Orange County Bus Lines and the Santa Monica Blue Bus. The project site is located approximately 0.6 miles from the 7th/Metro Light Rail Station. From the 7th/Metro Station, direct connections to the Metro Red Purple, Blue, and Expo Lines and beyond to the regional transit network are provided. These transportation lines allow for access to employment centers in all parts of the metropolitan area and help reduce the number of vehicles on the road.

Land Use Element - Central City Community Plan

The subject site is located within the Central City Community Plan, which was updated and adopted by the Los Angeles City Council on January 8, 2003. The proposed mixed-use project, comprised of approximately 14,000 square feet of ground floor commercial space and up to 232 new dwelling units, is consistent with the site's High Density Residential land use designation and underlying [Q]R5-4D Zone. The Community Plan recognizes that the Central City is a governmental, commercial, and manufacturing center, and that residentially zoned land accounts for less than five percent of the total land area. However, the Plan also recognizes that the "the continued economic and social viability of Central City depends on the contributions of a stable population and vibrant, cohesive neighborhoods." Therefore, a primary objective of the Central City Plan is to facilitate the expansion of housing choices in order to attract new and economically and ethnically diverse households. As such, the project, by providing new housing units, meets the following objective of the Community Plan by promoting new housing opportunities in Downtown Los Angeles:

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

Objective 1-3: To foster residential development which can accommodate a full range of incomes.

Policies 1-3.1: Encourage a cluster neighborhood design comprised of housing and services.

The proposed project will be located on an underutilized site and will revitalize existing underutilized lots by providing new housing and commercial uses without removing any existing residential units from the city's housing supply. The Plan recognizes that, "The continued economic and social viability of Central City depends on the contributions of a stable population and vibrant, cohesive neighborhoods. Therefore, a primary objective of the Central City Plan is to facilitate the expansion of housing choices in order to attract new, economically and ethnically diverse households (page III-1)." The proposed project clearly promotes new housing opportunities for Downtown Los Angeles by proposing the addition of 232 dwelling units. Furthermore, the new residential units will not remove existing residential units or displace residents, but would instead revitalize an underutilized site.

The project will contribute to the City's rental housing stock and will be comprised of a mix of unit sizes as follows:

Unit Type	Unit Count
Studio	66
One Bedroom	64
Two Bedroom	93
Three Bedroom	9
Total Units	232

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

The proposed project will include approximately 14,000 square feet of commercial/retail space on the ground floor. Residents of downtown, employees that work nearby, and visitors of Downtown Los Angeles will have additional retail amenities as a result of the

project's ground floor commercial space. The proposed commercial space will provide employment opportunities for area residents and creates a linkage between jobs and housing.

Downtown Design Guidelines

The project substantially conforms with the standards and guidelines in the Downtown Design Guidelines. The project has incorporated specific design elements to address certain standards as follows:

Objective 1: Consider Neighborhood Context & Linkages in Building and Site Design.

The proposed development will redevelop and revitalize an underutilized parcel by providing ground floor commercial uses along Hill Street, Olympic Boulevard, and wrapping onto the alley and new housing units situated within proximity to numerous commercial corridors, public transit, job centers, and entertainment options. The size and scale of the project are consistent and complementary to the surrounding buildings along Hill Street and Olympic Boulevard.

Objective 2: Employ Distinguishable and Attractive Building Design.

The proposed mixed-use project will combine a multi-family residential use with neighborhood-serving commercial uses. Variations in scale have been provided to the architectural dimensions of the building by designing the residential portion of the building with smaller clear glass windows and larger clear glass windows for the ground floor commercial component. The commercial component of the building forms a strong building base and provides differentiated architectural features that clearly delineate the ground floor commercial from the residential uses above through the use of massing, building articulation, and fenestration.

Objective 3: Provide Pedestrian Connections within and around the Project.

The proposed project includes a leasing office and commercial uses along Hill Street, and commercial uses along the entire ground floor of Olympic Boulevard, wrapping onto the abutting alley. In addition, the project will provide internal stairways, elevators, and access hallways thereby providing adequate pedestrian connections within and around the project.

Objective 4: Minimize the Appearance of Driveways and Parking Areas.

The site is currently developed with a one-story commercial/office building and surface parking lot that will be demolished as part of the project. The site currently has three curb on Hill Street. The applicant is proposing to eliminate one curb cut on Hill Street, thereby reducing the chances of pedestrian-vehicle conflicts. Vehicle access to the site will be via Hill Street and from the abutting alley.

Objective 5: Utilize Open Areas and Landscaping Opportunities to their Full Potential.

The project will provide 58 new on-site trees. In addition, the project will include landscaping at the ground floor level, fifth floor podium level, and on the roof deck. The ground floor open space areas will include dining areas for restaurant/retail patrons.

Objective 6: Improve the Streetscape Experience by Reducing Visual Clutter.

The proposed development will eliminate an existing surface parking lot abutting the public right-of-way. Commercial spaces will be provided to activate the ground floor of the building along Hill Street, Olympic Boulevard, and the alley. Street trees will be provided along Hill Street and Olympic Boulevards. As conditioned, the proposed project substantially complies with the purpose and requirements of the Downtown Design Guide.

Mobility Plan 2035

The project is consistent with the Transportation Element, including the 2010 Bicycle Plan, The City's Mobility Element Update proposes six goals (as of April 2013): Safety First; World Class Infrastructure; Access for All Angelenos; Informed Choices; Clean Environment and Healthy Communities; and Smart Investments. Although the proposed project is not required to comply with the draft Mobility Element, the project will help achieve the following proposed policies under the Access for All Angelenos goals:

- Encourage a mix of land uses that serve residents' daily needs in areas near transit and prioritize land uses that generate high levels of transit ridership at major transit stops.
- Evaluate transportation projects and development projects based on the land use context to account for the full benefits and impacts on all modes of transportation, not just automobiles.
- Support land use decisions that result in fewer vehicle trips by providing greater proximity and access to neighborhood services.
- Improve access to major regional destinations and job centers.

The project will create 232 new residential units and 14,000 square feet of visitor- and neighborhood-serving retail uses within a short walking distance of public transportation. The proposed project location is ideal, being approximately 0.6 miles from the 7th/Metro Center Station and numerous bus stops.

The proposed project would help achieve the following Goals, Policies, and Programs of the General Plan:

Goal 1 - Increase the number and types of bicyclists who may bicycle in the City.

Policy 1.2.7 - Develop and implement citywide bicycling parking standards.

Programs:

- Private Property Bicycle Parking Standard for Commercial and Industrial Projects.
- Private Property Bicycle Parking Standard for Residential Projects.

The project will comply with the LAMC Section 12.21-A,16(a)(2), by providing both long-term and short-term bicycle parking. The proposed project is consistent with the policy's Guiding Principles, particularly in that the project will:

- Develop compact quality pedestrian oriented mixed-use neighborhoods within walking distance to rail transit stations and other transit centers.
- Develop and apply urban design standards to ensure the development of a high-quality and safe and secure urban environment.

Housing

As stated in the Framework Element, *“Currently, the City of Los Angeles has insufficient vacant properties to accommodate the cumulative amount of population growth which has been forecasted...”* The proposed project is the redevelopment of an underutilized corner lot that will provide a mix of uses within proximity to jobs, transit, and amenities. The project meets the following objective of the Housing Element:

Objective 4.2 - 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.

The project will utilize a Transfer of Floor Area of 49,999 square feet to increase the project's overall floor area to 259,583 square feet in lieu of the allowable floor area of 210,519 square feet. Permitting the increase of floor area allows the applicant to develop additional residential units, which increases the housing stock in South Park, a community recognized for mixed-use and high-density residential housing. Furthermore, permitting the increase in floor area also helps the City to accommodate growth in Downtown and at the same time locating growth in close proximity to a transit rich area.

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

The Applicant proposes to replace an existing one-story commercial/office building and surface parking lot with a high-density mixed-use project consistent with the Downtown Los Angeles area. The project will be constructed in a single phase as a 20-story building with 232 dwelling units and 14,000 square feet of neighborhood serving commercial uses.

The site is subject to the Downtown Design Guide. The Downtown Design Guide encourages Downtown Los Angeles to develop as a more sustainable community with an emphasis on walkability and the making of great streets, districts, and neighborhoods. The focus of the Downtown Design Guide is the relationship of the buildings to the street, including sidewalk treatment and the character of the building as it adjoins the sidewalk and connections to transit. The Project's design is consistent with the Downtown Design Guide, including Sustainable Design; Sidewalks and Setbacks; Ground Floor Treatment; Parking and Access; Massing and Street Wall; On-Site Open Space; Architectural Detail; Streetscape Improvements; Signage; Public Art; and Civic and Cultural Life.

The project site is currently developed with a one-story commercial/office building and surface parking lot. The project will contain 272 parking spaces within a two level subterranean parking garage and three levels of podium parking. There will be no parking visible at the ground floor level. The project's parking will be accessed via two driveways on Hill Street and one from the alley. The project will provide bicycle parking for the project's residential and commercial uses, including ground floor bicycle parking for the project's retail and commercial uses.

Building Arrangement

The proposed project will transform the northeastern corner of Olympic Boulevard and Hill Street. The project will provide ground floor commercial space along Hill Street, Olympic Boulevard, and will continue to wrap along the alley. The project will contain a tower set above a podium level and is designed with roofline variations that contribute an interesting detail to the Downtown skyline.

The proposed project complies with Section 3.B, Setbacks of the Downtown Design Guide, by providing setbacks appropriate to the adjacent land use and district. The Downtown Design Guide has identified Olympic Boulevard as a Retail Street, which requires that at least 75 percent of the project's street frontage along the ground floor space to be designed to accommodate retail, professional office, or live/work uses. The project complies with the provisions for Retail Streets as the project includes approximately 152 feet, or 75 percent of commercial/retail space on Olympic Boulevard. In addition, the project will provide retail and lobby uses along Hill Street which is not a designated Retail Street per the Downtown Design Guide. The project will include two outdoor seating areas – one along Olympic Boulevard and one along the alley to serve the building's retail patrons.

The project proposes one 20-story building, with a height of 239 feet in height at the parapet with additional architectural elements and therefore the project complies with the minimum street wall height requirement. The project proposes an attractive contemporary design that is appropriate for the existing development in the South Park area, composed of varying complementary building materials and elements to provide articulation and a building design that promotes a lively street appearance. Building materials consist of transparent and translucent color glass, aluminum composite panels, exposed concrete, and spider glazing on storefronts. Frame elements are articulated with joints, creating rhythm and scale. As conditioned, the project would comply with building arrangement requirements.

Off-Street Parking Facilities and Loading Areas

The project is within the Central City Parking and Downtown Parking areas. The project will contain a total minimum of 272 parking spaces. The project includes two levels of subterranean parking and three levels of podium parking, providing access from Hill Street and the alley. Project parking will be arranged as follows:

	Parking	
	Parking Per the Central City Parking – LAMC 12.24-A,4(p)	Parking Provided
Residential	259	259
Retail	13	13
Total	272	272

Loading activities will take place off of the abutting alley with a designated on-site loading area at the first floor level.

Lighting

The applicant submitted preliminary lighting plans which show throw lighting for the building’s façade, including up-down wall mounted sconce lighting that create short or long throw lighting to best emphasize the architectural detailing in the evening. As conditioned, the project will not result in a substantial amount of light that would adversely affect the day or night time views in the project vicinity.

Landscaping

The project proposes to provide landscaping on the ground floor within outdoor seating areas, on the fifth floor podium level and on the rooftop amenity decks. The project will incorporate new street trees consistent with the Downtown Design Guide Section 9.F. The project requires 58 on-site trees for the project. The applicant has not requested a deviation from this requirement.

Trash Collection

The project will provide trash collection within the building, which will be located on the ground floor level within the at-grade parking area. Trash collection will occur within the central portion of the first level of parking with truck access occurring from the alley.

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

The project includes recreational facilities and service amenities that will improve habitability for the residents and will minimize impacts on neighboring properties. The project includes dedicated areas for recreational activities that will meet the City’s open space standards to encourage Downtown housing. The project’s open space will include amenity decks, a gym, a pool and Jacuzzi area, a party room, outdoor terraces, and private balconies.

In addition to the on-site residential amenities, the applicant will also contribute approximately a \$1.3 million public benefit payment per Los Angeles Municipal Code Section 14.5.9 for the requested transfer of floor area. This money may be used for various public improvements around the project site, therefore positively impacting neighboring properties.

ADDITIONAL MANDATORY FINDINGS

- 10. 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. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas determined to be outside the 0.2% annual chance floodplain.
- 11. On May 19, 2016, the City Planning Department issued Mitigated Negative Declaration No. ENV-2015-2631-MND. This Mitigated Negative Declaration 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. I hereby adopt that action. The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

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 \$2,500 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.cityplanning.lacity.org.

Planning Department public offices are located at:

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

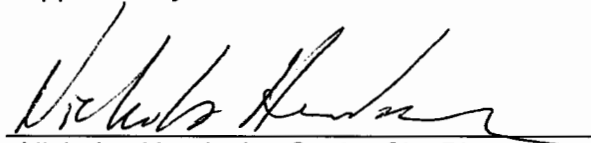
Valley Office
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401
(818) 374-5050

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 (818) 374-5050 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.

Vincent P. Bertoni, AICP
Director of Planning

Approved by:


Nicholas Hendricks, Senior City Planner

Prepared by:


Heather Bleemers, City Planner