

**PLANNING DEPARTMENT TRANSMITTAL  
TO THE CITY CLERK'S OFFICE**

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2017-3251-TDR-MCUP-SPR	ENV-2016-4360-EIR	14 – de León
<b>PROJECT ADDRESS:</b>		
1033 – 1057 South Olive Street		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input type="checkbox"/> New/Changed  1045 Olive, LLC 2200 Biscayne Boulevard Miami, FL 33137	424-653-2100	<a href="mailto:ek@crescentheights.com">ek@crescentheights.com</a>
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Cindy Starrett, Latham and Watkins 355 South Grand Avenue Suite #100 Los Angeles, CA 90071	213-891-7905	<a href="mailto:CINDY.STARRETT@lw.com">CINDY.STARRETT@lw.com</a>
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A	N/A	N/A
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A	N/A	N/A
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Jason McCrea	213-847-3672	<a href="mailto:jason.mccrea@lacity.org">jason.mccrea@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
Transfer of Development Rights greater than 50,000 square feet.		

**FINAL ENTITLEMENTS NOT ADVANCING:**

Main Conditional Use Permit (MCUP); Site Plan Review (SPR)

**ITEMS APPEALED:**

N/A

**ATTACHMENTS:**

**REVISED:**

**ENVIRONMENTAL CLEARANCE:**

**REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other \_\_\_\_\_

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other \_\_\_\_\_

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**NOTES / INSTRUCTION(S):**

The Project includes a Transfer of Development Rights greater than 50,000 square feet. Exhibit A – Plans are being transmitted.

**FISCAL IMPACT STATEMENT:**

Yes

No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:**

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission

- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
May 13, 2021	7 – 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
June 23, 2021	No
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant	July 13, 2021



# LOS ANGELES CITY PLANNING COMMISSION

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

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: JUN 08 2021

**Case No. CPC-2017-3251-TDR-MCUP-SPR**  
CEQA: ENV-2016-4630-EIR; SCH. No. 2017121047  
Plan Area: Central City  
Related: VTT-74531-CN and ZA-2017-4845-ZAI

Council District: 14 – De León

**Project Site:** 1033 – 1057 South Olive Street

**Applicant:** 1045 Olive, LLC  
Representative: Cindy Starrett, Latham and Watkins

At its meeting of **May 13, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction and operation of a 70-story mixed-use high-rise development, with up to 751,777 square feet of floor area on a 38,097 square foot site. The Project would include up to 794 residential units, 12,504 square feet of ground-floor commercial (restaurant/retail) uses, a ground-floor public plaza, and residential open space amenities. The Project would have a maximum height of 810 feet, with a 61-story tower above a nine-level podium. Eight podium levels would be automobile parking and would be partially wrapped with residential units. The Project would also have six subterranean levels of parking (depth of 70 feet) and would require the excavation and export of approximately 89,713 cubic yards of soil. Five existing single-story commercial buildings containing 35,651 square feet of floor area would be removed from the Project Site. The Project is a certified Environmental Leadership Development Project (ELDP).

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the previously certified 1045 Olive Project Environmental Impact Report No. ENV-2016-4630-EIR, certified on February 7, 2020; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project;
2. **Recommended** that the City Council approve the requested Transfer of Floor Area Rights (TFAR) Transfer Plan and Public Benefits Payment;
3. **Requested** 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 LAMC Section 14.5.12;
4. **Approved**, pursuant to Section 12.24 W.1 of the Los Angeles Municipal Code (LAMC), a Main Conditional Use for the sale and dispensing of a full line of alcoholic beverages for on-site consumption at up to ten establishments;
5. **Approved**, pursuant to LAMC Section 16.05, a Site Plan for a development project which creates an increase of more than 50 dwelling units;
6. **Adopted** the attached Modified Conditions of Approval; and
7. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Choe  
Second: Perlman  
Ayes: Hornstock, Leung, López-Ledesma, Mack, Millman

**Vote: 7 – 0**



Cecilia Lamas, Commission Executive Assistant  
Los Angeles City Planning Commission

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

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission related to the Transfer of Floor Area Rights (TFAR) appealable to City Council by the Applicant only, if disapproved in whole or in part. All remaining actions are appealable to the Los Angeles City Council 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE: JUN 23 2021**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedure

c: Milena Zasadzien, Senior City Planner  
Alan Como, City Planner  
Jason McCrea, Planning Assistant

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on May 13, 2021)

### A. Entitlement Conditions – Transfer of Area Rights

1. **Floor Area.** The Development shall not exceed a maximum Floor Area Ratio (FAR) of 13:1 and a total floor area of 751,777 square feet. The Transfer Payment and Public Benefit Payment shall be pro-rated to the amount of TFAR being acquired in the event the maximum amount of TFAR is not required. The lot area used to calculate the base floor area shall be 38,097 square feet with a 6:1 FAR. The buildable area of a Transit Area Mixed Use Project used to calculate the maximum floor area shall be 57,829 square feet with a 13:1 FAR. Changes to the Project that result in a 20 percent decrease in floor area, or more, shall require new entitlements. The Department of City Planning reserves the right to confirm the accuracy of the requested floor area, and to verify the calculation of the Transfer Payment and Public Benefit Payment at any time prior to the issuance of the building permit, or 24 months after the final approval of the Transfer and the expiration of any appeals or appeal period, or any extensions permitted by the Director in accordance with Section 14.5.11 of the LAMC.
2. **TFAR Transfer Payment.** The Project is subject to and shall pay a TFAR Transfer Payment in conformance with Section 14.5.6 through 14.5.12 of the Code. Such payment shall be based on the actual amount of floor area transferred to the Project site.
  - a. The total amount of floor area authorized to be transferred from the Los Angeles Convention Center by this action shall not exceed 523,195 square feet. The total floor area of the Project Site (Receiver Site) shall not exceed 751,777 square feet.
  - b. The Applicant shall provide a TFAR Transfer Payment consistent with LAMC Section 14.5.10 in the amount of \$5 per square foot, or \$2,615,975, for the transfer of 523,195 square feet from the Los Angeles Convention Center located at 1201 South Figueroa Street (Donor Site) to the Project Site (Receiver Site).
3. **Public Benefit Payment.** The Project is subject to and shall pay a Public Benefit Payment in conformance with Section 14.5.6 through 14.5.12 of the Code.
  - a. The Applicant shall provide a Public Benefit Payment consistent with LAMC Section 14.5.9 in the amount of \$21,698,509 provided that at least 50 percent (or \$10,849,255) of the Public Benefit Payment consist of cash payment by the Applicant to the Public Benefit Trust Fund. Direct provision payments shall be paid directly to the recipients and not to the City of Los Angeles. Proof shall be provided in the form of a cleared check or bank statement and a letter signed by the Executive Director of each organization. Consistent with the TFAR Ordinance, the Project shall provide 50 percent (or \$10,849,255) of the Public Benefit Payment by directly providing the following public benefits:
    - i. A payment to the Los Angeles Citywide Affordable Housing Fund in the amount of \$10,649,255 (98 percent). The funds shall be utilized for construction and operation of affordable housing developments.
    - ii. A payment to the South Park Business Improvement District in the amount of \$200,000 (2 percent). The funds shall be utilized towards parklets and a dog run in the South Park District.

- b. At the time of issuance of the Certificate of Occupancy for the Project, the Applicant shall provide an update to the file from each recipient of direct provisions detailing how the money has been spent thus far.
- c. The Applicant shall pay the required Public Benefit Payment, less the cost of the Direct Provision of Public Benefits, in cash to the Public Benefit Trust Fund, pursuant to the terms of Transfer of Floor Area Rights Ordinance No. 181,574, Article 4.5 of the LAMC. The Public Benefit Payment proof of cash payment and direct provision of public benefits is required upon the earliest occurrence of either:
  - i. The issuance of the building permit for the Project; or
  - ii. Twenty-four months after the final approval of the Transfer and the expiration of any appeals or appeal period; should the Applicant not make the required payments within the specified time, the subject approval shall expire, unless extended by the Director in writing.

**B. Entitlement Conditions – Main Conditional Use for Alcohol Sales.**

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Authorized herein is the sale and dispensing and consumption of a full line of alcoholic beverages for on-site consumption, in conjunction with the 12,504 square-foot, ground floor commercial space for ten restaurant establishments and in the open space/amenity areas of the residential tower.
7. **Hours of Operation.** Hours of operation shall be limited to 6:00 a.m. to 2:00 a.m. daily for the restaurants.
8. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage

Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.

9. After hour use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
10. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
11. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
12. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
13. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
14. **Additional Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Department of City Planning to impose additional corrective conditions, if, it is determined by the Department of City Planning that such conditions are proven necessary for the protection of person in the neighborhood or occupants of adjacent property.
15. **Security.** A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
16. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
17. **Main Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Main Plan Approval (MPA) determination pursuant to LAMC Section 12.24 M, or as otherwise provided for in the LAMC for on-site alcohol sales in conjunction with the operation of restaurants and bars, in order to implement and utilize the Main Conditional Use authorization granted. The purpose of the Main Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises subject to analysis of the venue's individual mode and character of operations including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions

of approval. These conditions may include additional conditions not included in the Main Conditional Use Conditions of Approval. A Plan Approval without a hearing may be granted by the Chief Zoning Administrator if the operator agrees to the Conditional Use Permit Conditions.

18. **Lease Agreements.** All establishments applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all vendors of alcoholic beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.
19. **Building Plans.** A copy of this grant and all Conditions and/or any subsequent appeal of this grant and resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
20. **Ownership/Operator Change.** Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the new business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the BESt (Beverage and Entertainment Streamlined Program) in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the BESt (Beverage and Entertainment Streamlined Program) within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.
21. **MViP – Monitoring, Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01-E,3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations, and Section 19.04 - Miscellaneous ZA Sign Offs shall be paid to the City.
  - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
  - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
22. **Covenant and Agreement.** Prior to building permit issuance, 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 main 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 or the BESt (Beverage and Entertainment Streamlined Program) for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development

Services Center or BESt (Beverage and Entertainment Streamlined Program) for inclusion in the case file.

### C. Entitlement Conditions – Site Plan Review

1. **Site Development.** The use and development of the property shall be in substantial conformance with the Site Plan, Floor Plans, Unit Plans, Building Elevations, and Landscape Plans (Exhibit A, dated March 12, 2020) of the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions. The project shall be constructed in a manner consistent with the following project description:
  - a. Limit the proposed development to up to 794 dwelling units, and up to 12,504 square feet of retail and restaurant uses, totaling up to 751,777 square feet of floor area.

2. **Development Service Center.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center for the project, the Department of City Planning's Major Projects Section shall confirm, via signature, that the project's building plans substantially conform to the conceptual plans stamped as Exhibit "A", as approved by the City Planning Commission.

Note to Development Services Center: The plans presented to, and approved by, the City Planning Commission (CPC) included specific architectural details that were significant to the approval of the project. Plans submitted at plan check for condition clearance shall include a signature and date from Major Projects Section planning staff to ensure plans are consistent with those presented at CPC.

3. **Landscaped Plaza and Amenities.** A 2,728-square foot ground floor landscaped plaza shall be provided adjacent to Olive Street and 11th Street, as shown in Exhibit A - Project Plans, dated March 12, 2020. The plaza shall be publicly accessible between the hours of 6 a.m. to 10 p.m.
4. **Residential Use.** The use and development of the 794 multi-family units shall not be permitted to operate as a Transit Occupancy Residential Structure (TORS).
5. **Common Outdoor Open Space Enclosures.** Perimeter enclosures located on the tower's floors 53 through 55 adjacent to common open space areas shall be transparent with a maximum height of 10 feet and shall not be enclosed to be converted into habitable space.
6. **Private Balconies.** The entirety of wraparound balcony space shall be maintained as private open space and shall not be enclosed by any wall not part of the building's perimeter walls or be converted to habitable space.
7. **Landscaping.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A.
8. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
  - a. Minimum depth for trees shall be 42 inches.

- b. Minimum depth for shrubs shall be 30 inches.
- c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
- d. Minimum depth for an extensive green roof shall be 3 inches.

The minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:

1. 220 cubic feet for a tree 15 - 19 feet tall at maturity.
  2. 400 cubic feet for a tree 20 - 24 feet tall at maturity.
  3. 620 cubic feet for a medium tree or 25 - 29 feet tall at maturity.
  4. 900 cubic feet for a large tree or 30 - 34 feet tall at maturity.
9. **Tree Maintenance.** All newly planted trees must be appropriately sized, staked and tied; provided with a watering moat; and shall be properly watered and maintained.
10. **Lighting.** 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.
11. **Trash and Recycling.**
- a. All trash collection and storage areas shall be located on-site and shall not be visible from the public right-of-way.
  - b. Trash receptacles shall be stored in a fully enclosed building or structure.
  - c. Trash/recycling containers shall be locked when not in use.
12. **Mechanical Equipment.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.
13. **Construction Signage.** There shall be no off-site commercial signage on construction fencing during construction.
14. **Electric Vehicle Parking.** Electric vehicle parking shall be provided pursuant to the Municipal Code.

#### **D. Environmental Conditions**

1. **Implementation.** The Mitigation Monitoring Program (MMP), attached as "Exhibit B" and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
2. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two business days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

3. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

4. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities<sup>1</sup>, all such activities shall temporarily cease on the Project Site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
  - Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 473-9723.
  - If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit

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<sup>1</sup> Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity.

and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

#### **E. Administrative Conditions**

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.

5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
7. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
8. **Indemnification and Reimbursement of Litigation Costs.** The Applicant shall do all of the following:
  - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably

cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

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

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. 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.

## FINDINGS

### A. ENTITLEMENT FINDINGS

#### 1. Transfer of Floor Area Rights FINDINGS:

- a) ***Pursuant to Section 14.5.6 B.2 of the LAMC, the increase in Floor Area generated by the proposed Transfer is appropriate with respect to location and access to public transit and other modes of transportation, compatible with other existing and proposed developments and the City's supporting infrastructure, or otherwise determined to be appropriate for the long-term development of the Central City.***

The Project Site is located near transit services, will be compatible with densely developed surroundings and the City's supporting infrastructure, and will be in close proximity to jobs, housing, and a wide range of uses and public services.

The Project Site is well-served by public transit, including both rail and bus service. The Project is located approximately 0.25 miles northeast of the Pico Metro Rail Station (A/E lines) and is 0.5 miles southwest from the 7th and Metro Center Rail Station (B/D and A/E lines). These subway lines provide access to other transit lines operated by Metro and connect passengers to Long Beach, Culver City, Santa Monica, Hollywood, Koreatown, and North Hollywood. In addition, the Project Site will be adjacent to the planned LA Streetcar's route along 11<sup>th</sup> Street, which will run a 3.8-mile route providing connections to South Park, the Financial District and Historic Broadway, Grand Park and the Civic Center, the Fashion District and the Convention Center, Staples Center, and LA Live. The Project Site is also served by Metro bus lines (Local (2, 4, 10, 14, 28, 30, 33, 37, 40, 45, 48, 55, 66, 70, 71, 76, 78, 79, 83, 90, 91, 92, 94, and 96), Limited (302, 330, 355, and 378), Express (442 and 460), and Rapid (728, 733, 745, 770, and 794) and the Silver Line), LADOT Commuter Express bus lines (409, 419, 422, 423, 431, 437, and 438), and LADOT Downtown Area Shuttle lines (DASH D and F), Montebello Bus line 50, Orange County Transportation Authority bus lines 701 and 721, Foothill Transit bus lines (493, 495, 496, 497, 498, 499, and 699), the Big Blue Bus line 10, and Torrance Transit line 4. In addition to available public transit, regional access to the Project Site is also provided by State Route 110 (SR-110 or Harbor Freeway), which runs north-south approximately 0.7 miles west, and Interstate 10 (I-10), which runs east-west approximately 0.55 miles south of the Project Site. Local access to the Project Site would be provided by 11<sup>th</sup> Street and Olive Street.

The proposed uses will be located within a 70-story building with a maximum height of 810 feet. The intensity and mix of the residential and commercial uses are compatible with the current density and mix of uses in the downtown Los Angeles area. The Project Site is located in an area which is developed with low- to high-rise, mixed-use buildings. Immediate surrounding uses include: the 20-story, mixed-use Ten50 residential building located adjacent to the west of the Project Site at Grand Avenue and 11<sup>th</sup> Street, the seven-story Oakwood Olympic and Olive apartment building located directly to the north of the Project Site at 1001 S. Olive Street, a 13-story mixed-use Elleven South Lofts building located west of the Project Site (along 11<sup>th</sup> Street) at 1111 Grand Avenue, and a 17-story mixed-use Luma Lofts located west of the Project Site (along 11<sup>th</sup> Street) at 1100 Hope Street. Around the immediate vicinity of the Project Site are also high-rise buildings such as the recently constructed 41-story mixed-use AVEN Apartments located a block south of the Project Site at 1120 Grand Avenue, the South Park Center, that contains two buildings with a maximum height of 32 stories located a block south from the Project Site at the northeast corner of Olive Street and 12<sup>th</sup> Street, and a 24-story mixed-use Evo condominium building a block southwest of the Project Site at 1155 Grand Avenue. New high-rise mixed-use developments that are currently under-construction

include the Hope and Flower Mixed-Use Development, a 33-story and 41-story two-tower building located 0.20 miles southwest of the Project Site at 1212 Flower Street, and Oceanwide Plaza, a three-tower building with a height of 40 to 49 stories located 2 blocks west of the Project Site at the block on the southwest corner of 11<sup>th</sup> Street and Flower Street.

The Project's location is well-served by infrastructure, as the area is currently developed with a mix of uses connected to existing utilities serving the area. The recent expansion of development has furthermore resulted in extensive study and provision of necessary utilities in the area.

The increase in floor area generated by the proposed Transfer will allow the development of a compatible mixed-use project consisting of 794 residential units with varying unit types, and 12,504 square feet of restaurant and retail uses on the Receiver Site. The Project is considered an infill development within a developed and improved area of the City, which was designated for high-density residential development by the Community Plan. The Project Site contains approximately 57,829 square feet and is permitted a maximum floor area of 346,974 square feet, or a 6:1 Floor Area Ratio (FAR) as restricted by a D Limitation per Ordinance 164,307-Subarea 2620. The Applicant has requested a Transfer of 523,195 square feet of floor area from a Donor Site located at 1201 South Figueroa Street (Los Angeles Convention Center), to permit a maximum 13:1 FAR on the Receiver Site. The Transfer is appropriate for the long-term development of the Central City because it will enable the Project to include residential, retail, and restaurant uses that would complement the other uses in the South Park commercial district which contains major entertainment attractions such as the Staples Center, Los Angeles Convention Center, and L.A. Live. The Transfer would allow more residents to live, work, and shop within the South Park area, while promoting access to the different amenities and attractions and contributing more retail and restaurant options within the area for residents and visitors. The Transfer would also contribute to the revitalization and modernization of Downtown Los Angeles including job creation and increased City tax revenue generation, maintaining the strong image of downtown as the major center of the metropolitan region, and serving as a linkage and catalyst for other downtown development.

The Project will be easily accessible via public transit, is consistent with both existing and proposed development in the South Park commercial district, can be served by the existing utilities, and will support the development planned for the Central City Community Plan Area. Thus, the proposed Transfer will be appropriate for the Receiver Site.

**b) The Project is consistent with the purposes and objectives of the Redevelopment Plan.**

Enacted on June 29, 2011, Assembly Bill 1x-26 (AB 26) revised provisions of the Community Redevelopment Law of the State of California, to dissolve all redevelopment agencies and community development agencies in existence and designate successor agencies, as defined, as successor entities. Among the revisions, the amendments to the law withdrew all authority to transact business or authorize powers previously granted under the Community Redevelopment Law (Section 34172.a.2), and vested successor agencies with all authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies (Section 34172.b).

As explained above, pursuant to Ordinance No. 186,325, as of September 30, 2019, the land use-related plans and functions of the Designated Local Authority, the former local CRA/LA, have been transferred to the City of Los Angeles. Therefore, the City can take action regarding any Redevelopment Plan Amendment or land use approval or entitlement pursuant to Section 11.5.14 and other applicable provisions of the LAMC, including LAMC Section 14.5.6.

The Project Site is located in the City Center Redevelopment Plan Area. The City Center Redevelopment Plan's primary objective is eliminating and preventing blight in the area. The Project supports and is consistent with the following objectives of the City Center Redevelopment Plan:

*1. To eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the project area in accordance with this plan.*

The Project Site is currently developed with five one-story buildings, spanning a total of 34,673 square feet, that were constructed in the early 1900's. Currently, approximately half of the space is vacant and unoccupied. The Project Site has no on-site landscaping with the exception of five street trees on Olive Street and three on 11<sup>th</sup> Street. Due to the vacancies of the buildings, the street frontage is predominately blank and building frontage is under-maintained. The increase in floor area generated by the proposed Transfer will allow the redevelopment of the site into a mixed-use high-rise containing 794 residential units, 12,504 square feet of ground-floor commercial space, and a ground-floor plaza at the corner of Olive Street and 11<sup>th</sup> Street, thus, rehabilitating the site with active uses.

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

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

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

The Project Site is zoned R5, designated High Density Residential and located in the South Park area within the Central City Community Plan. The High Density Residential classification is categorized under the Multi-Family Residential Land Use designation of the Framework Element. The Multi-Family Residential Land Use Designation is "characterized by a mix of densities and dwelling types, permitted densities may be reduced to levels consistent with the character of the entire area in order to minimize impacts on infrastructure, services, and/or maintain or enhance the residents' quality of life." The Framework Element also designates the Project Site within the Downtown Center which is characterized 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 world. Generally, the Downtown Center is characterized by FARs up to 13:1 and high-rise buildings." The Project would be consistent with the Framework Element's Land Use Designation at the Project Site as the Project would be a mixed-use, high-rise residential tower that would provide 794 residential units and 12,504 square feet of commercial ground-floor space. The Project will support the greater downtown area and South Park District as destinations, and provide additional space for uses that complement the nearby LASED and Convention Center, contributing to its economic vitality. Further, the Project will be consistent with Central City Community Plan's vision for the South Park District to become a mixed-use community that contains a significant amount of housing that is within distance to retail and commercial developments that provide employment opportunities and other supportive services.

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

The Project will guide growth and development in the area by redeveloping the underutilized existing five one-story commercial and manufacturing buildings into a mixed-use development that would generate new job opportunities associated with the 12,504 square feet of restaurant and retail space. The 794 residential units proposed as part of the Project will offer a mix of unit types for new residents, as well as offering new restaurant and retail space located in a transit rich area, siting new commercial growth in a location aligned with City plans and policies.

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

*7. To create a symbol of pride and identity which give the Central City a strong image as the major center of the Los Angeles Region.*

The Project will be designed in a contemporary architectural style, via a tall and high-rise tower that is situated on a podium. The tower also includes cut-out terraces on the rooftop of the 8<sup>th</sup> to the 10<sup>th</sup> level and the 53<sup>rd</sup> through 55<sup>th</sup> levels for an outdoor pool, amenity spaces, and additional terrace space that helps reduce the perceived bulk of the building. The Project is also certified as an Environmental Leadership Development Project that includes specific design features that enhance energy efficiency and sustainability, such as wraparound cantilevered balconies on every residential level that have been designed to provide shade and minimize solar gain throughout the building. The repeating wraparound cantilevered balconies and cut-out terraces along the facades of the building will contribute to the downtown Los Angeles' distinct skyline, which gives the Central City a strong image as the major center of the Los Angeles Region.

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

As described in the previous finding, the Project Site is well-served by public transit, including both rail and bus service. The Project is located approximately 0.25 miles northeast of the Pico Metro Rail Station (A/E lines) and is 0.5 miles southwest from the 7th and Metro Center Rail Station (B/D and A/E lines). These subway lines provide access to other transit lines operated by Metro and connect passengers to Long Beach, Culver City, Santa Monica, Hollywood, Koreatown, and North Hollywood. In addition, the Project Site will be adjacent to the planned LA Streetcar's route along 11<sup>th</sup> Street, which will run a 3.8-mile route providing connections within the downtown area. The Project Site is also served by numerous Metro LADOT, Montebello, Orange County Transportation Authority, Foothill Transit, the Big Blue Bus, and Torrance Transit bus lines. In addition to available public transit, regional access to the Project Site is also provided by State Route 110 (SR-110 or Harbor Freeway), which runs north-south approximately 0.7 miles west, and Interstate 10 (I-10), which runs east-west approximately 0.55 miles south of the Project Site. Local access to the Project Site would be provided by 11<sup>th</sup> Street and Olive Street. Thus, the Project Site is well served by transit.

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

*10. To develop and implement public art into the urban fabric, integrating art into both public and private developments.*

The Project will improve the streetscape by providing widened sidewalks with new street trees, and parkway landscaping. The Project will also include a ground level public plaza area, with

2,728 square feet of open space. The plaza will include seating areas, with landscaping and art displays to provide respite to activate the northwest corner of Olive Street and 11th Street. Residents and visitors will be able to access the ground-floor restaurants and retail spaces from 11<sup>th</sup> Street and Olive Street. As previously mentioned, the Project includes cut-out terraces from the 8<sup>th</sup> to the 10<sup>th</sup> levels, the 53<sup>rd</sup> to the 55<sup>th</sup> levels, and building rooftop that would be landscaped with trees, shrubs, and other native plants and would serve the building residents.

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

The Project will introduce 794 residential units, and 12,504 square feet of commercial uses such as restaurants and retail stores, resulting in a range of employment opportunities. Therefore, the Project's new residential, restaurant, and retail uses, employment opportunities, transit-oriented location, public plaza, and other community benefits make the Project consistent with the Redevelopment Plan's Objectives.

*Conformance with Requirements of the City Center Redevelopment Plan*

**(a) Section 502 - Redevelopment Plan Map**

Section 502 pertains to the relationship between the Redevelopment Plan and the other plans that address development in City Center area and defers to the General Plan, Community Plan, and any applicable zoning ordinance regarding allowable land uses and is further clarified by the CRA/LA in a memorandum dated June 21, 2012.<sup>2</sup> The Project Site is designated as a Downtown Center in the General Plan Framework, High Density Residential in the Central City Community Plan, and in the [Q]R5-4D zone. No General Plan Amendment or Zone Change is proposed as part of this Project. Therefore, the Project would comply with Section 502 of the Redevelopment Plan.

**(b) Section 503.2 - Residential Uses**

Section 503.2 requires that all areas designated as Residential on the Redevelopment Plan Map be maintained, developed or used for multiple family housing and be consistent with the applicable Community Plan and zoning. As noted above, pursuant to the June 21, 2012 CRA/LA memo the superseding Community Plan designation for the Project Site is high-density residential with a [Q]R5 designation, that allows ground level commercial uses. The provision of 794 residential condominium units would be consistent with the objectives and policies of the Central City Community Plan to provide a range of housing choices in the Downtown area. The proposed residential uses would be consistent with the applicable provisions of the LAMC. Therefore, the Project would comply with Section 503.2 of the Redevelopment Plan.

**(c) Section 503.4 - Commercial Uses within Residential Areas**

Section 503.4 allows for commercial uses in residential areas so long as it is consistent with the applicable Community Plan, permitted by the zoning and LAMC, and conforms to the four criteria; promote community revitalization, promote the goals and objective of the Plan, be compatible with and appropriate for the residential uses in the vicinity, and meet design and location criteria by the Agency. As explained above, the Project meets the goals and objectives of the Redevelopment Plan by redeveloping five one-story commercial buildings for a 70-story mixed used development consisting of 794 residential

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<sup>2</sup> CRA/LA, A designated Local Authority. Clarification Regarding Discretionary Land Use Action. [http://www.crala.org/internet-site/Meetings/Board\\_Agenda\\_2012/upload/June\\_21\\_2012\\_Item\\_13.pdf](http://www.crala.org/internet-site/Meetings/Board_Agenda_2012/upload/June_21_2012_Item_13.pdf). Accessed February 21, 2020.

units and 12,504 square feet of active ground floor commercial uses. The Project would be compatible with the other residential uses in the vicinity as there are many similar mixed-use developments in the area, that provide ground floor commercial space. The Project's ground floor commercial space, public plaza, and improved streetscape conditions along Olive Street and 11th Street would activate the streets of the area promoting pedestrian activity. The Project has also been designed to comply with the Citywide Design Guidelines and is permitted by the zoning and LAMC. Therefore, the Project would comply with Section 503.4 of the Redevelopment Plan.

**(d) Section 508.3 - South Park Development Area**

Section 508.3 states that the following three land uses shall be allowed in the South Park Development Area; Public Land, Private Land, and Private Land Alternate Use. The Project is a mixed-use residential and commercial development that would be consistent with the uses listed for Private Land Alternative Use (high density residential use and compatible commercial uses) as the Project provides 794 residential units, a public plaza, and ground floor commercial uses such as a restaurant and retail store which would provide a service to the community. Therefore, the Project would comply with Section 508.3 of the Redevelopment Plan.

**(e) Section 509 - Limitations on Type**

Section 509 states that the type, size and height of buildings shall be limited by applicable federal, State and local statutes, codes, ordinances and regulations and as generally diagrammed in Exhibit No. 4 of the Redevelopment Plan. The Project would be consistent with the intent of the Redevelopment Plan as well as the Central City Community Plan and applicable sections of the LAMC. The Project Site is located in Height District 4D, with unlimited building height and a development limitation of 6:1 FAR. The Project Site is also located in the South Park Development Area north of Pico Boulevard, which limits FAR to 6:1; except, as discussed below Section 512.4 allows density to be increased to an FAR of 13:1 for projects that include a TFAR. Therefore, the Project would comply with Section 509 of the Redevelopment Plan.

**(f) Section 512.1 - Maximum Floor Area Ratios**

Section 512.1 requires that the maximum floor area ratios for any parcel in the South Park Development Area to be no more than six times the parcel area for any parcels north of Pico Boulevard and no more three times the parcel are for parcels south of Pico Boulevard. The Project Site is located north of Pico Boulevard and is limited by the 6:1 ratio for its FAR. However, pursuant to Section 512.4 and the City Center Redevelopment Plan, the Project requests a TFAR that would allow its FAR to be increased to 13:1. Therefore, the Project would comply with Section 512.1 of the Redevelopment Plan.

**(g) Section 512.4 - Higher Maximum Floor Area Ratios through Transfer of Floor Area**

Pursuant to Section 512.4 of the Redevelopment Plan, the City may permit projects to exceed maximum floor area ratios set forth in Section 512.1 of the Redevelopment Plan as long as the transfers are consistent with the five criteria below:

1. 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 this Plan.

As stated above, the Project would be consistent with the purposes and objectives of the Redevelopment Plan, as the Project would redevelop the existing five single-story commercial buildings for a 70-story mixed-use building containing 794 residential units and 12,504 square feet of ground-floor commercial uses. The Project is appropriate in terms of location as the Project would be located in the South Park District of the Central City Community Plan area, which is recognized for being a mixed-use community with a significant amount of housing. The Project would be adjacent to similar mixed-use and residential developments such as the 20-story, mixed-use Ten50 building located adjacent to the west of the Project Site at Grand Avenue and 11<sup>th</sup> Street, the seven-story Oakwood Olympic and Olive apartment building located directly to the north of the Project Site at 1001 S. Olive Street, the 13-story mixed-use Elleven South Lofts building located west of the Project Site (along 11<sup>th</sup> Street) at 1111 Grand Avenue, and the 17-story mixed-use Luma Lofts located west of the Project Site (along 11<sup>th</sup> Street) at 1100 Hope Street. Additionally, the Project would be compatible with proposed developments as there are future plans to develop a 60-story (1120 Olive Street) and 51-story (1115 Olive Street) mixed-use buildings at the two surface parking lots directly south and southeast of the project site. The Project would also improve accessibility for the area as the Project would introduce a significant residential population in the downtown area, which is served by many local and rapid bus lines and rail lines at the Pico Metro Station (0.30 miles) as the Project site is in a TPA. The Project would also introduce a throughway access point to the alley running from Olympic Boulevard to 11<sup>th</sup> Street from Olive Street.

2. 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 Central City Community Plan references LAMC Section 14.15.1 et seq, regarding TFAR. As defined in LAMC Section 14.5.3, both the Donor Site (Los Angeles Convention Center as 1201 S. Figueroa Street) and Project Site are located within the Central City TFAR Area. The Project would be receiving 523,195 square feet of floor area from the Los Angeles Convention Center, in compliance with LAMC Section 14.15.1 and therefore meets this criteria.

3. 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.

The Project Site is zoned [Q]R5-4D-O, with the "4" indicating Height District 4, which allows unlimited building height and a maximum FAR of 13:1. The D indicates a Development Limitation that limits the maximum FAR to 6:1, with an increase to a maximum FAR of 13:1 with a TFAR. The requested FAR of 13:1 would be consistent with these applicable FAR requirements.

4. 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.

The Project Site is well served by regional bus lines, rapid bus lines, and is located approximately 0.30 miles from a Metro Light Rail station at Flower Street and Pico Boulevard as well as a station at Flower Street and 7th Street, approximately 0.50 miles from the Project Site and therefore, the project meets this criteria.

5. 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.

The Los Angeles Convention Center (Donor Site) has not been identified as a historic or cultural resource. Therefore, the Project does not conflict with Section 512.4 of the Redevelopment Plan.

**(h) Section 512.5 - Procedures for Effectuating Transfers of Floor Area Ratio for Transfers of 50,000 square feet of Floor Area or More.**

The Project would require approximately 523,195 square feet of transferred floor area in order to permit the requested FAR of 13:1. The Project would comply with the applicable provisions of LAMC Article 4.5, Sections 14.5.1 through 14.5.8, and thus conforms with Section 512.5 of the Redevelopment Plan.

**(i) Section 513 - Open Space, Landscaping, Light, Air and Privacy.**

Section 513 of the Redevelopment Plan defines the approximate amount of total open space to be provided in the Redevelopment Plan area and also states that sufficient space shall be maintained between buildings to provide adequate light, air, and privacy. While this provision applies to the entire CRA Project Area and is not meant to be directly applied to individual development projects, the Project will provide open space areas to generally support this plan provision. The residential tower would be located more than 80 feet from any offsite existing and future high-rise buildings in the area, which would provide sufficient space between the tower and any off-site high-rise buildings pursuant to Downtown Design Guide standards. Landscaping would be provided in the public plaza, podium terraces, building cut-out areas and along the building frontages. The Project would also comply with open space requirements under LAMC Section 12.21.G and pursuant to ZA-2017-4845-ZAI.

**(j) Section 514 - Signs, Billboards and Skyline Signage.**

Section 514 prohibits billboards and requires that all other signage conform to the City's signage standards. All signage would comply with the City's sign standards. Therefore, Project conforms with Section 514 of the Redevelopment Plan.

**(k) Section 515 - Utilities.**

Section 515 requires that all utilities be placed underground if physically and economically feasible. The Project conforms to Section 515 as all utilities lines would be placed underground or screened from public view.

**(l) Section 516 – Parking and Loading Facilities**

Section 516 requires that all parking be provided in consistent with the standards of the LAMC and that parking and loading areas be screened/out of view from the public. As shown in the Exhibit A – Site Plans, the Project would provide commercial and residential parking that meets the requirements of the LAMC. Parking for the Project would be located all on site, within six subterranean levels and eight levels within the podium. All parking uses within the podium would be screened and out of sight from public view. In addition, the loading area for the commercial ground floor space would be located in the alley, which would not interfere with the public use of the sidewalks. Therefore, the Project conforms with Section 516 of the Redevelopment Plan.

(m) **Section 517 – Setbacks**

Section 517 requires that all setback areas be landscaped, paved for accessibility, and maintained by the owner. As shown in Exhibit A – Site Plans, the Project would include a landscaped, 2,728-square foot public Plaza at a setback at the corner of W. 11th Street and S. Olive Street. Five-foot setbacks would be provided at the sidewalk entrances to the commercial uses along W. 11th Street and the residential lobby. The project would improve the entrance setbacks and the streetscape along Olive Street and 11th Street with improved sidewalks, street lighting, street trees, short-term bicycle parking, and landscaping. All setbacks would be consistent with existing zoning and the requirements of the Downtown Design Guide. Therefore, the Project conforms with Section 517 of the Redevelopment Plan.

(n) **Section 522 – Design Guidelines and Development Controls**

Section 522 requires that all new improvements to existing and proposed developments be in accordance with the Redevelopment Plan and any other applicable design guidelines and development controls. As clarified by CRA/LA, land use regulations, shall defer to and are superseded by the underlying General Plan, Community Plan, and Zoning Ordinance, including the codified sections of the current Downtown Design Guide. The Project would include a public plaza, streetscape improvements along all the street frontages, and a modern building design with residential and restaurant/retail street fronts in support of a pedestrian-oriented ground floor design. The Project is consistent with the design guidelines and standards in the Downtown Design. Therefore, the Project conforms to Section 522 of the Redevelopment Plan.

(o) **Section 523 - Variances, Conditional Use Permits, Building Permits and Other Land Development Entitlements**

Section 523 requires that no zoning variance, conditional use permit, building permit, demolition permit or other land development entitlement be issued without approval from the CRA/LA. The Project requests the following entitlements: TFAR, Main Conditional Use for alcohol, and Site Plan Review. As stated in Ordinance No. 186325, the City Planning Department has assumed the roles and authority of the former CRA/LA, so the City Planning Department would ensure that all entitlements are consistent with the intent of the Center City Redevelopment Plan. Therefore, the Project conforms to Section 523 of the Redevelopment Plan.

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

As part of the Transfer Plan, a Public Benefit Payment is required and must serve a public purpose, such as: providing for affordable housing; public open space; historic preservation; recreational; cultural; community and public facilities; job training and outreach programs; affordable child care; streetscape improvements; public arts programs; homeless services programs; or public transportation improvements. The Transfer serves the public interest by facilitating a project that will contribute to the sustained economic vitality of the Central City area, and by contributing a total Public Benefit Payment of \$21,698,509 (based on a formula that includes the Transfer of 523,195 square feet) and a TFAR Transfer Payment of

\$2,615,975 (based on the Transfer of 523,195 square feet from the Convention Center multiplied by \$5), in accordance with LAMC Section 14.5.10. The Public Benefit Payment consists of a 50 percent cash payment of \$10,849,255 to the Public Benefit Payment Trust Fund, and 50 percent of the payment for public benefits to be directly provided by the Applicant, as indicated in the table below. As such, the Transfer of Floor Area serves the public benefit interest as it complies with the specific requirement for the transfer to occur.

<b>Public Benefit Payment Transfer Plan</b>		
Total Public Benefit Payment		\$21,698,509
50% Public Benefit Cash Payment		\$10,849,255
50% Public Benefit Direct Provision		\$10,849,255
<b>Allocation of Public Benefit Direct Provision</b>		
City of Los Angeles Citywide Affordable Housing Fund	98%	\$10,649,255
South Park BID	2%	\$200,000
Total	100%	\$10,849,255

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

The Receiver Site (Project Site) of the Transfer is located within the Central City Community Plan, and has a land use designation of Regional Center Commercial and is zoned [Q]R5-4D-O. The Community Plan describes the Transfer of Floor Area Rights (TFAR) as follows (Page III-19):

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

The Site is subject to Development D Limitation, contained in Subarea 2620 of Ordinance No. 164,307, which limits the FAR of a building to 6:1, unless a transfer of floor area is approved. The Transfer will re-allocate 523,195 square feet of unused, allowable floor area from the Donor Site (Los Angeles Convention Center) and permit a maximum FAR of 13:1 on the Receiver Site, which will be consistent with Community Plan and other relevant policy documents, which provides for a transfer of floor area up to a 13:1 FAR. The Project Site is also subject to [Q] conditions which allows for traditional commercial uses up to a 2:1 FAR by-right or up to the full 6:1 FAR with a discretionary approval by the City Planning Commission. The Project’s 12,504 square feet of ground-floor commercial restaurant and retail space would

be allowed by-right under the [Q] condition, as the FAR is under 83,206 square feet (by-right 2:1 FAR).

The Transfer will permit the development of the Receiver Site with a Project that is consistent with the objectives and policies of the Central City Community Plan, including:

*Objective 1-1: To promote development of residential units in South Park.*

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

*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 2-4: 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 Project will provide up to 794 residential units, including three-bedroom units, two-bedroom units, one-bedroom units, and studio units on a site located in the South Park District of the Community Plan. In addition, the project would provide 12,504 square feet of commercial ground-floor space, consisting on restaurants and retail stores fronting 11<sup>th</sup> Street. The project's supply and variety of residential units and restaurant and retail uses aligns with the Community Plan's vision for the South Park District as a "mixed-use community with a significant concentration of housing," achieving Objective 1-1 and Objective 1-2. The project will bridge the gap between housing and employment by providing homes for the increasing numbers of downtown workers.

In addition, the project site is located nearby the LASED (approximately one mile north) and the Convention Center (approximately 0.30 miles west) and will be consistent with the Central City Community Plan's vision for the South Park District by developing the site with a mix of uses that complement the entertainment and commercial uses within the LASED and the Convention Center. The proximity of the project site to LASED and the Convention Center will locate patrons and residents within walking distance to various businesses, conventions, trade shows, and tourist destinations and provide a linkage to the other surrounding Central City Community Plan Districts.

The project will provide flexibility in commercial spaces allowing for a variety of restaurant and retail uses, helping to create an active, 24-hour downtown that will serve the residents and employees of the South Park District, as well as visitors. The addition of new uses, as well as up to 794 residential units in the South Park District supports the existing retail base by strengthening current and creating new residential demand for goods and services, as well as creating synergy between different commercial uses in the Central City Community Plan area. The project's ground floor open plaza will display public art and provide outdoor seating to attract visitors and residents to visit the project site and promote street level activity. The

project will also improve the streetscape along 11<sup>th</sup> Street and Olive Street with street lighting, trees, landscaping, and bicycle parking, enhancing the overall pedestrian environment.

Therefore, the Project is consistent with the applicable Central City Community Plan Objectives and Policies.

## **2. MAIN CONDITIONAL USE FINDINGS (ON-SITE ALCOHOL SALES)**

- a) *The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.*

The Project proposes the construction of a mixed-use development, consisting of 794 residential dwelling units and 12,504 square feet of commercial uses on the ground-floor, comprised of restaurant and retail store uses. The applicant is requesting a Main Conditional Use Permit to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption at the restaurants and bar areas within the residential amenity areas. The restaurants will be located along the south side of the project fronting 11<sup>th</sup> Street.

The surrounding built environment is substantially developed and urban in character. The immediate vicinity of the project site is characterized by other mixed-use developments that contain commercial retail, restaurant, and residential uses, one-story commercial buildings, and surface parking. To the north, is the Oakwood Olympic and Olive mixed-use building that has ground-floor commercial uses fronting Olympic Boulevard and ground-floor residential units fronting Olive Street. To the east are one-story commercial buildings and the Los Angeles Job Corps Center. To the south and southeast are surface parking lots. To the southwest is the Grand Lofts, which is a residential building. To the west are the Ten50, 20-story mixed-use building and one- to two-story commercial buildings. The Project will concentrate the on-site alcohol-sales from the restaurants on the south and southwestern portions of the ground floor level of the building in the downtown area where it is common for many mixed-uses to contain similar ground floor commercial uses.

The Central City Community Plan identifies the area as part of the South Park District. The Project is located in close proximity to the western edge of the South Park District and approximately 0.30 miles from the Los Angeles Sports and Entertainment District. The western edge area of South Park District is envisioned as having new retail stores, hotels, restaurants, and entertainment venues along the Figueroa-Flower-Hope Street corridors to support the increasing attendance from visitors and residents coming from the Convention Center, Staples Center, and L.A. Live. The Project's commercial and alcohol-sale uses will complement the existing commercial, retail, residential, and entertainment uses in the area and will support the growing demand for commercial retail stores and restaurants by providing on-site alcohol-sales uses at up to ten establishments in its ground-floor commercial area.

The availability of alcoholic beverages for on-site consumption within the proposed mixed-used development's restaurants and residential amenity areas will improve the viability and desirability of the business and serve as an amenity to residents. The availability of alcoholic beverages for on-site consumption is a desirable amenity that is typical of many restaurants and would provide a beneficial service to the immediate community as well as to patrons of the commercial establishments. As such, the project will enhance the built environment in the surrounding neighborhood and will perform a function and provide a service that is beneficial to the surrounding community.

- b) *The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.*

The subject property is located in the Central City Community Plan area, situated on the northwest corner at the intersection of Olive Street and 11<sup>th</sup> Street. As previously described, the area is urban and built out and characterized with other mid-to-high rise mixed-use commercial and residential buildings, commercial buildings, and surface parking lots. Specifically, to the Project Site, to the north, is the seven-story Oakwood Olympic and Olive mixed-use building that has ground-floor commercial uses fronting Olympic Boulevard and ground-floor residential units fronting Olive Street. To the east are one-story commercial buildings and the Los Angeles Job Corps Center. To the south and southeast are surface parking lots, which are proposed as high-rise mixed-use developments. To the southwest is the Grand Lofts, which is a residential building. To the west is the 20-story Ten50 mixed-use building and one- to two-story commercial buildings. The surround neighborhood contains a mix of low, mid, and high-rise development and includes a number of recently constructed or under construction residential high-rises.

The location of the establishments that are proposed to serve and/or sale alcoholic beverages are oriented along established commercial streets and adjacent to other commercial uses. In addition, establishments are provided with common open space amenity areas to serve building residents and their guests. The use would continue to add to the diversification of commercial and residential activities being conducted in the area and will not adversely affect the surrounding neighborhood. The proposed hours of operation are reasonable and these areas will have trained staff and security. Alcohol sales would be compatible with and continue to add to the diversification of commercial activities, further support the growing residential population in the South Park District and visitors from the LASED.

No evidence was presented at the hearing or in writing that the sale of alcohol will be materially detrimental to the immediate neighborhood. While Grand Hope Park is located within one-half mile from the Project Site, the park is buffered by a wide variety of existing mid-to-high rise commercial and residential structures. The sales of alcoholic beverages for on-site consumption would not be detrimental to nearby schools, church, recreation area, and residential dwelling units, since the establishments serving alcohol will be carefully controlled and monitored, with parking and other commercial spaces providing a buffer between the alcohol selling establishments.

In addition, this grant also includes conditions of approval intended to address alcohol-related issues to safeguard public welfare and enhance public convenience, such as proper employee training and outdoor security lighting. The project has also been designed in a manner to enhance the public realm and improve the aesthetics and safety of the surrounding area. The establishment will be compatible with the immediately surrounding uses that are mixed-use, residential, and commercial. The proposed project will provide a place for residents and visitors to eat, drink, and socialize; as such, the sale of alcoholic beverages is a normal part of restaurant operation and is not expected to adversely affect or further degrade adjacent properties, the surrounding neighborhood, or public health, welfare, and safety.

- c) *The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.*

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject property is located within the Central City Community Plan which designates the property for High Density Residential land uses corresponding to the R5 Zone. The project is consistent with the underlying R5 Zone, which is intended to provide for residential and

commercial uses. The Central City Community Plan text is silent with regards to alcohol sales. In such cases, the decision-maker must interpret the intent of the plan.

Conditional authorization for the sale of a full line of alcoholic beverages for on-site consumption is allowed with certain findings. Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the sale and dispensing of a full line of alcoholic beverages for on-site consumption.

The project is located in the South Park District of the Community Plan, which is one of nine districts within the Central City Community Plan Area. The South Park district is dominated by a mix of residential, medical, commercial and entertainment uses. The South Park District has become a thriving residential community where residents can live, work and play without leaving the South Park District. With anticipated job growth in the coming years, the Community Plan projects the development of large scale mixed-use projects within the South Park District. The South Park District is also adjacent to the LASED and Los Angeles Convention Center, which is a major entertainment center of Los Angeles that attracts many visitors and residents with its event and entertainment-related uses.

The project's request for the on-site sale of a full line alcoholic beverages is consistent with the commercial land use designation of the Community Plan, including:

- 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 2-2.2: To encourage pedestrian-oriented and visitor serving uses during the evening hours especially along the Grand Avenue cultural corridor between the Hollywood Freeway (US 101) and Fifth Street, the Figueroa Street corridor between the Santa Monica Freeway (I-10) and Fifth Street and Broadway between Third Street and Ninth Street.
- 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 is consistent and compatible with the various objectives and policies of the Central City Community Plan, as it would support the neighborhood with retail and restaurant services needed for area residents, workers, and visitors, and activate the streets with more pedestrians from its ground-floor commercial uses and open plaza, while bringing improvements to the surrounding district. The project incorporates new service-oriented restaurant uses within a proposed mixed-use development within the designated Downtown Center of the Framework Element, and designated High Density Residential area of the Central City Community Plan. The commercial uses will create an active environment for residents by increasing the walkability of the streets. The project's retail stores and restaurants will directly front 11<sup>th</sup> Street that runs east-west, connecting with pedestrian corridors of Grand Avenue and Figueroa Street as stated in Policy 2-2.2. The project will activate the streets with more pedestrian activity, creating an active environment that would be appealing, in terms of maintaining a safe, clean, attractive and lively environment, to local residents, workers, and

visitors. The project will also improve the pedestrian realm of the area by providing a public plaza and seating area at the southeast corner of the project site at 11<sup>th</sup> Street and Olive Street.

The sale of a full line of alcohol beverages for on-site consumption will enhance the proposed businesses on the site, which include restaurant and retail store uses, will serve local residences and businesses, provide for additional amenities in the residential common open spaces and will provide services and goods which complement the High Density Residential designation for the site. The request to serve and sell alcoholic beverages at the site will be consistent with these objectives and policies through the creation of a mix of commercial and residential uses that would attract a variety of consumers, tenants, and their guests, actively promoting the area as a key economic community center. Further, alcohol service incidental to food sales is a common amenity in many sit-down restaurants in the neighborhood and will contribute to the nightlife activity in the area. As mentioned, due to the project's close proximity to the LASED and Convention Center, the project's commercial and retail uses would complement the other mixed-uses in the area and provide additional dining and shopping options for visitors and residents within a walkable distance.

For the reasons stated above, the project substantially conforms to the purpose, intent and provisions of the General Plan and Central City Community Plan.

d) *The proposed use will not adversely affect the welfare of the pertinent community.*

The approval of the main conditional use will not adversely affect the welfare of the community. The project site is located within the South Park District and is approximately 0.30 miles east of the LASED and Convention Center. As stated in the Central City Community Plan, the South Park District is a mixed-use community with a significant concentration of housing that also includes support services such as retail and commercial uses for employment opportunities for area residents. As the South Park District is adjacent to the LASED and Convention Center, which is a major entertainment destination in the region, it is not uncommon to have alcohol services in the vicinity and serves a supportive function to the vibrant downtown nightlife. Additionally, the South Park District contains similar mixed-use buildings that provide commercial retail stores and restaurants which serves alcohol on-site, so the introduction of another such establishment would not create an adverse or unique condition. The project's dining and retail establishments will help to enhance the availability of dining options to on-site residents and employees as well as that of the surrounding neighborhood. Also, alcohol sales within common open space areas of the building will provide an additional amenity to serve building residents and their guests.

In addition, numerous conditions have been imposed to ensure that the use is integrated into the community as well as to protect community members from adverse potential impacts. Other conditions related to litter, graffiti, loitering, and a requirement to consult with LAPD before attaining a license will safeguard the residential community. Employees must also undergo STAR (Standardized Training for Alcohol Retailers) training, provided by the Los Angeles Police Department. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community. Furthermore, as part of the Plan Approval process, each individual venue will have additional conditions imposed and tailored towards the specific use. Such impositions of conditions will make the use a more compatible and accountable neighbor to the surrounding uses, as conditions are intended to integrate the use into the community as well as protect community members from potential adverse impacts associated with alcohol sales. Therefore, the proposed alcohol sales will not be materially detrimental to the character of the development in the neighborhood.

- e) *The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.*

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, four (4) on-sale and two (2) off-sale licenses are allocated to subject Census Tract No. 2079.00. There are currently 60 total licenses in this Census Tract (52 on-site and 8 off-site). Of the eight establishments with on-site licenses, 12 have Type 41 License for the on-sale of beer and wine for bona fide public eating place, 18 have a Type 47 License for the on-sale general for bona-fide public eating places, three (3) have a Type 48 License for the on-sale of beer, wine, and distilled spirits for consumption at a bar and night club, one (1) has a Type 57 License for the on-sale consumption of beer, wine, and distilled spirits at organizations that are not qualified for club licenses, seven (7) have a Type 58 License for caterers to provide alcohol beverages off-site, three (3) have a Type 66 License for hotels and motels to allow for the sale of packaged distilled spirits in guestrooms, five (5) have a Type 68 License for the sale and service of beer, wine, and distilled spirits from portable bars, and three (3) have a Type 77 License allows certain licensees to sell beer, wine and distilled spirits for consumption on property adjacent to the licensed premises that is owned or under the control of the licensee for events. Of the eight establishments with off-site licenses, four (4) establishment has a Type 20 License for the off-sale of beer and wine and the other three (3) establishments have a Type 21 License for the off-sale of general.

According to statistics provided by the Los Angeles Police Department's Central Los Angeles Division Vice Unit, within Crime Reporting District No. 182, which has jurisdiction over the subject property, a total of 493 crimes and arrests were reported in 2019 (363 Part I Crimes and 130 Part II Arrests), compared to the citywide total average of 173 offenses for the same reporting period. Of the 493 total crimes and arrests reported for the census tract, thirteen (13) arrests were made for narcotic drug laws, nineteen (19) arrests was made for liquor laws, seven (7) arrests were made for being under the influence of alcohol, no arrests were made for disturbing the peace, no arrests were made for disorderly conduct, and five (5) arrests were made for driving under the influence, reported by LAPD. Based on the above figures, approximately 9 percent (44) of the total (493) arrests were related to alcohol offenses.

Undue concentration can occur when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The number of active licenses for both on-site and off-site sales within the census tract is above the number allocated by ABC guidelines. The site is also located in a district where the crime rate is moderately higher than the citywide average. However, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate. The statistics cover an entire district and do not pertain particularly to the subject site. No complaints were submitted for the record concerning any criminal or nuisance activity associated with the subject site. The incorporation of conditions relative to the specific operation of the establishment will address and minimize any possible adverse impact on the welfare of the surrounding area. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring surveillance, responsible management and deterrents against loitering as required by this grant and the subsequent main plan approvals.

The sale and dispensing of a full line of alcoholic beverages will be incidental to restaurant patronage or within limited amenity areas only serving building residents and their guests and is not anticipated to adversely affect crime rates, given the nature of the use.

In these active commercial areas where there is a demand for licenses beyond the allocated number, the approval of the license for the project area will benefit the public welfare and serves as a convenience, due to the increase in the residential population base in the area from the project. As support by the aforementioned facts, the project involves the granting of an application to sell and dispense alcoholic beverages in conjunction with a new mixed-use development will not adversely affect community welfare because restaurants and residential amenity spaces are desirable uses in an area designated for such uses. The restaurants' ability to serve alcohol on-site will provide a beneficial service to the growing visitors and residents in the South Park District, LASED and Convention Center areas, and the other adjacent districts within the downtown area. The new mixed-use development will provide a convenience to residents, workers, and visitors to the downtown area and as conditioned, will not negatively impact the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents.

Therefore, the granting of the application will not result in an undue concentration of alcohol-serving establishments.

- f) *The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.*

The project site is immediately adjacent to multi-family residences located north, southwest, and west of the within an area that is designated for High Residential Density and Regional Commercial land uses. In addition to multi-family uses, there is the Hillsong Church LA 800 feet east (1050 Hill Street), and the Grand Hope Park 800 feet to the northwest. The mixed-use project would concentrate the commercial and alcohol-sale components of the project on the south and southeast portion of the site, adjacent to 11<sup>th</sup> Street and Olive Street and would not directly face residential and other sensitive uses with the exception of the Grand Lofts (1100 Grand Avenue) located southwest from the project. Residential amenity spaces serving alcohol would be located within setback and elevated open space areas and would be distanced vertically from nearby sensitive uses

While there are residential dwelling units and other sensitive uses located in close proximity to the project site, the project will provide adequate security measures to discourage loitering, theft, vandalism and other nuisances as imposed through the project condition. All sales employees will receive training in responsible alcohol sales; age verification devices and prompts will be part of the Point-of-Sale system to assist cashiers in prevention of sales to minors.

Furthermore, the proposed use will not detrimentally affect nearby residential properties and other sensitive uses because the urban environment contains mixed-use buildings with residents that expect to reside at or near commercial uses. While the sale of alcoholic beverages is important to the restaurants or retailers that will be located within the proposed project's tenant spaces, their sale and service will be incidental to primary operations and, as such, no detrimental effects should be expected from the proposed project. In addition, this grant has placed numerous conditions on the proposed project, such as proper site maintenance, security lighting, employee training, and a time limitation on the grant, in order

to eliminate or minimize any potentially detrimental effects on adjacent uses. With the conditions referenced herein, the impacts of the on-site consumption and dispensing of a full-line of alcoholic beverages would be reduced and not detrimentally affect nearby residentially zoned or developed communities and other sensitive uses within the area.

## 2. SITE PLAN REVIEW

- a) *The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.*

**Framework Element.** The General Plan Framework 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. The Framework's Long-Range Diagram identifies the Project Site as located within the Downtown Center, an international center for finance and trade, the largest government center in the region, and the location for major cultural and entertainment facilities, hotels, professional offices, corporate headquarters, financial institutions, high-rise residential towers, regional transportation, and Convention Center facilities. The Downtown Center is generally characterized by floor area ratios up to 13:1 and high-rise buildings.

The 1045 Olive Project involves the construction of a 70-story (810-foot), mixed-use development consisting of 794 residential units and 12,504 square feet of ground-floor and retail stores and restaurants, a ground-floor public plaza, and residential open space amenities with a total square footage of 751,777. Residential uses would be located primarily within the 61-story residential tower, sited on top of a nine-level podium. Parking would be located within eight-levels of the podium structure wrapped by additional residential uses, and in six subterranean levels.

The project satisfies the following objectives and policies of the Land Use Chapter of General Plan Framework:

*Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

*Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.*

*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.*

*Objective 3.16: Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.*

The project will provide new multi-family housing, public benefit funding towards affordable housing, retail stores, and restaurants in the City's Downtown Center. The project will support Objective 3.4 and Policy 3.4.1 as the project will provide a high-density of residential units and ground-floor retail and restaurant uses, within a neighborhood that is in close proximity to many transit opportunities and will complement the existing similar mixed-use developments in the vicinity. The project will achieve Objective 3.15 and Policy 3.15.3 as the project site is designated as a Transit Priority Area, and is served local and rapid bus lines, and train lines as well. Furthermore, the project would enhance the pedestrian activity of the area through its pedestrian-oriented design and streetscape improvements, supporting Objective 3.16. At the northwest corner of the intersection of Olive Street and 11<sup>th</sup> Street, the project will include a public plaza that provides outdoor seating and public art for the community to create an active urban gathering space. In addition, the sidewalks around the project site would be improved with street trees, landscaping, pedestrian lighting, and bicycle racks. The project's mixed commercial and residential uses, amenities, and close proximity to public transit will encourage pedestrian activity and provide an incentive for residents not to use their cars for commuting errands, dining, entertainment and employment, thereby reducing vehicle trips.

The project advances numerous goals and policies contained in the Framework Element's Economic Development chapter, including the following:

*Goal 7A: A vibrant economically revitalized City.*

*Goal 7D: A City able to attract and maintain new land uses and businesses.*

*Goal 7G: A range of housing opportunities in the City.*

The project would redevelop a site with five existing one-story commercial buildings and replace the buildings with a mixed-use high-rise tower, which include residential units and commercial restaurant and retail spaces. The project would provide for more housing opportunities in the area, while introducing new commercial and retail shopping opportunities, such as restaurants and other retail stores, to serve the residents of the area. The mix of uses and additional residents will contribute activity and commerce to the existing Downtown Center, further supporting nearby businesses and job centers. These features will promote job creation and economic growth, strengthen the commercial sector, and contribute to a better balance of land uses that meets the needs of residents while redeveloping the site.

**Housing Element.** The project also meets the policies set forth regarding housing in the land use chapter of the Framework Element and the Housing Element.

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

*Objective 1.1-4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.*

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

*Policy 2.3.1: Streamline entitlement, environmental, and permitting processes for sustainable buildings.*

*Policy 2.3.4: Promote and facilitate reduction of waste in construction and building operations.*

The project will further a key Housing Element goal of reducing the City's existing housing shortage, as well as its jobs-housing imbalance, by developing the site with 794 multi-family residential units. The project will support Objective 1.1-4 by providing more housing on the site, which the General Plan Framework designates as a Downtown Center. The project supports Objective 2.3, Policy 2.3.1, and Policy 2.3.4 as the project is certified Environmental Leadership Development Project (ELDP). As an ELDP Project, the Project will achieve LEED Gold certification, maximize transit friendly features (resulting in a minimum 15 percent greater transportation efficiency), and be 'Net-Zero' in GHG emissions. The project will incorporate Project Design Feature AQ-PDF-1 that includes energy conservation measures such as a construction waste management plan, installation of energy efficient appliances, and a water reduction strategy to reduce water consumption by 40 percent for indoor and 50 percent for outdoor water. Further, the project is located in the transit-rich Downtown Center, that is served by many local and rapid bus lines and train lines. By providing residential units, restaurants, and retail stores at the site, the project will encourage walking, active transportation usage, and public transit usage, thereby reducing vehicular trips and overall vehicle miles traveled.

**Plan for a Healthy Los Angeles.** The project also meets the policies set forth in the General Plan's Health and Wellness Element.

*Policy 5.1: Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.*

*Policy 5.7: Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors, and others susceptible to respiratory diseases.*

**Air Quality Element.** The project also meets the policies set forth in the General Plan's Air Quality Element.

*Policy 4.2.3: Ensure that new development is compatible with pedestrians, bicycles, transit, and alternative fuel vehicles.*

*Policy 5.1.2: Effect a reduction in energy consumption and shift to non-polluting sources of energy in its buildings and operations*

Policy 5.1 and 5.7 of the Plan for a Healthy LA, the Health and Wellness Element, and Policy 4.2.3 of the Air Quality Element are policy initiatives related to the reduction of air pollution and greenhouse gases. As mentioned above, the project has been certified as an ELDP project and is required to achieve LEED Gold certification, maximize transit friendly features and be 'Net-Zero' in greenhouse gas emissions. As conditioned in Project Design Feature AQ-PDF-1, the Project will provide parking spaces which would be equipped for the immediate installation and use of EV Charging Stations, as well as for future use. Taken together, the conditions would provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and the City. As conditioned, the Project will be consistent with the aforementioned policies, as well as Policy

5.1.2 of the Air Quality Element, by ensuring that future developments are compatible with alternative fuel vehicles and shift to non-polluting sources of energy.

The LEED certification and EV project features are also good zoning practices because they provide a convenient service amenity to the occupants or visitors who use electric vehicles and utilize electricity on site for other functions. In addition, the project's certification as an ELDP Project will ensure that the project is energy efficient and promotes alternative modes of travel such as public transit and active transportation to support California's greenhouse gas emission reduction targets. As such, the Project provides service amenities to improve habitability for future residents of the Project and to minimize impacts on neighboring properties.

**Mobility Plan 2035.** The project also meets the policies set forth in the General Plan's Mobility Element.

*Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.*

*Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

*Policy 3.8: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*

*Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.*

The project would provide a combination of ground floor retail and restaurant uses and a public plaza, while improving the streetscape conditions along Olive Street and 11<sup>th</sup> Street with trees, landscaping, street lighting, and bicycle racks. The project is also required to improve both adjoining streets with full width concrete sidewalks, and upgrades as necessary to comply with American's With Disabilities Act (ADA) requirements. Pedestrian access to the commercial component of the project is provided with one entrance along 11<sup>th</sup> Street and two entrances in the public plaza at the corner of 11<sup>th</sup> Street and Olive Street, while access to the residential component of the project is provided at one entrance on Olive Street and one entrance on 11<sup>th</sup> Street. The project also supports Policy 3.3 as the project is designated in a Transit Priority Area, and is serviced by many local and rapid buses and train lines via the Blue and Expo train lines at the Pico Metro Station. The project is also 0.28 miles east (via 11<sup>th</sup> Street) of the My Figueroa project, which designates Figueroa Street as multimodal transportation corridor that includes a 3-mile protected bicycle lane and transit platforms. In addition to the short-term bicycle parking on Olive Street and 11<sup>th</sup> Street, the project supports Policy 3.8 as the project provides long-term bicycle parking located on the first subterranean level with access to an elevator provided from the residential lobby area on Olive Street. As mentioned previously, through the project's compliance with Site Plan Review Condition 14 requirements a minimum of 30 percent of the LAMC-required parking shall be pre-wired for the future installation of electric vehicle (EV) charging stations and ten (10) percent of the spaces are required to be equipped with EV charging stations.

#### **City Center Redevelopment Plan Area.**

The Project Site is located in the City Center Redevelopment Plan Area. The City Center Redevelopment Plan's primary objective is eliminating and preventing blight in the area. The

Project supports and is consistent with the following objectives of the City Center Redevelopment Plan:

*1. To eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the project area in accordance with this plan.*

The Project Site is currently developed with five one-story buildings, with a total of 34,673 square feet of floor area, that were constructed in the early 1900's. Currently, approximately half of the space is vacant and unoccupied. The Project Site has no on-site landscaping with the exception of five street trees on Olive Street and three on 11<sup>th</sup> Street. Due to the vacancies of the buildings, the street frontage is predominately blank and building frontage is under-maintained. The increase in floor area generated by the proposed Transfer will allow the redevelopment of the site into a mixed-use high-rise containing 794 residential units, 12,504 square feet of ground-floor commercial space, and a ground-floor plaza at the corner of Olive Street and 11<sup>th</sup> Street, thus, rehabilitating the site with active uses.

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

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

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

The Project Site is zoned R5, designated High Density Residential and located in the South Park area within the Central City Community Plan. The High Density Residential classification is categorized under the Multi-Family Residential Land Use designation of the Framework Element. The Multi-Family Residential Land Use Designation is "characterized by a mix of densities and dwelling types, permitted densities may be reduced to levels consistent with the character of the entire area in order to minimize impacts on infrastructure, services, and/or maintain or enhance the residents' quality of life." The Framework Element also designates the Project Site within the Downtown Center which is characterized 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 world. Generally the Downtown Center is characterized by FARs up to 13:1 and high-rise buildings." The Project would be consistent with the Framework Element's Land Use Designation at the Project Site as the Project would be a mixed-use, high-rise residential tower that would provide 794 residential units and 12,504 square feet of commercial ground-floor space. The Project will support the greater downtown area and South Park District as destinations, and provide additional space for uses that complement the nearby LASED and Convention Center, contributing to its economic vitality. Further, the Project will be consistent with Central City Community Plan's vision for the South Park District to become a mixed-use community that contains a significant amount of housing that is within distance to retail and commercial developments that provide employment opportunities and other supportive services.

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

The Project will guide growth and development in the area by redeveloping the underutilized existing five one-story commercial and manufacturing buildings into a mixed-use development that would generate new job opportunities associated with the 12,504 square feet of restaurant and retail space. The 794 residential units proposed as part of the Project will offer a mix of unit types for new residents, as well as offering new restaurant and retail space located in a transit rich area, siting new commercial growth in a location aligned with City plans and policies.

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

*7. To create a symbol of pride and identity which give the Central City a strong image as the major center of the Los Angeles Region.*

The Project will be designed in a contemporary architectural style, via a tall and high-rise tower that is situated on a podium. The tower also includes cut-out terraces on the rooftop of the 8<sup>th</sup> to the 10<sup>th</sup> level and the 53<sup>rd</sup> through 55<sup>th</sup> levels for an outdoor pool, amenity spaces, and additional terrace space that helps reduce the perceived bulk of the building. The Project is also certified as an Environmental Leadership Development Project that includes specific design features that enhance energy efficiency and sustainability, such as wraparound cantilevered balconies on every residential level that have been designed to provide shade and minimize solar gain throughout the building. The repeating wraparound cantilevered balconies and cut-out terraces along the facades of the building will contribute to the downtown Los Angeles' distinct skyline, which gives the Central City a strong image as the major center of the Los Angeles Region.

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

As described in the previous finding, the Project Site is well-served by public transit, including both rail and bus service. The Project is located approximately 0.25 miles northeast of the Pico Metro Rail Station (A/E lines) and is 0.5 miles southwest from the 7th and Metro Center Rail Station (B/D and A/E lines). These subway lines provide access to other transit lines operated by Metro and connect passengers to Long Beach, Culver City, Santa Monica, Hollywood, Koreatown, and North Hollywood. In addition, the Project Site will be adjacent to the planned LA Streetcar's route along 11<sup>th</sup> Street, which will run a 3.8-mile route providing connections within the downtown area. The Project Site is also served by numerous Metro LADOT, Montebello, Orange County Transportation Authority, Foothill Transit, the Big Blue Bus, and Torrance Transit bus lines. In addition to available public transit, regional access to the Project Site is also provided by State Route 110 (SR-110 or Harbor Freeway), which runs north-south approximately 0.7 miles west, and Interstate 10 (I-10), which runs east-west approximately 0.55 miles south of the Project Site. Local access to the Project Site would be provided by 11<sup>th</sup> Street and Olive Street. Thus, the Project Site is well served by transit.

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

*10. To develop and implement public art into the urban fabric, integrating art into both public and private developments.*

The Project will improve the streetscape by providing widened sidewalks with new street trees, and parkway landscaping. The Project will also include a ground level public plaza area, with 2,728 square feet of open space. The plaza will include seating areas, with landscaping and art displays to provide respite to activate the northwest corner of Olive Street and 11th Street. Residents and visitors will be able to access the ground-floor restaurants and retail spaces from 11<sup>th</sup> Street and Olive Street. As previously mentioned, the Project includes cut-out terraces from the 8<sup>th</sup> to the 10<sup>th</sup> levels, the 53<sup>rd</sup> to the 55<sup>th</sup> levels, and building rooftop that would be landscaped with trees, shrubs, and other native plants and would serve the building residents.

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

The Project will introduce 794 residential units, and 12,504 square feet of commercial uses such as restaurants and retail stores, resulting in a range of employment opportunities. Therefore, the Project's new residential, restaurant, and retail uses, employment opportunities, transit-oriented location, public plaza, and other community benefits make the Project consistent with the Redevelopment Plan's Objectives.

**Central City Los Angeles Community Plan.** The Central City Community Plan, a part of the Land Use Element of the City's General Plan, states the following objectives and policies that are relevant to the project:

*Objective 1-1: To promote development of residential units in South Park.*

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

*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 2-4: 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 Project will provide up to 794 residential units, including a mix of three-bedroom units, two-bedroom units, one-bedroom units, and studio units on a site located in the South Park District of the Community Plan. In addition, the project would provide 12,504 square feet of commercial ground-floor space, consisting on restaurants and retail stores fronting 11<sup>th</sup> Street. The project's supply and variety of residential units and restaurant and retail uses aligns with the Community Plan's vision for the South Park District as a "mixed-use community with a significant concentration of housing," achieving Objective 1-1 and Objective 1-2. The project will bridge the gap between housing and employment by providing homes for the increasing numbers of downtown workers.

In addition, the project site is located nearby the LASED (approximately one mile north) and the Convention Center (approximately 0.30 miles west) and will be consistent with the Central

City Community Plan's vision for the South Park District by developing the site with a mix of uses that complement the entertainment and commercial uses within the LASED and the Convention Center. The proximity of the project site to LASED and the Convention Center will locate both visitors and residents within walking distance to various businesses, conventions, trade shows, and tourist destinations and provide a linkage to the other surrounding Central City Community Plan Districts.

The project will provide flexibility in commercial spaces allowing for a variety of restaurant and retail uses, helping to create an active, 24-hour downtown that will serve the residents and employees of the South Park District, as well as visitors. The addition of new uses, as well as up to 794 residential units in the South Park District supports the existing retail base by strengthening current and creating new residential demand for goods and services, as well as creating synergy between different commercial uses in the Central City Community Plan area. The project's ground floor open plaza will display public art and provide outdoor seating to attract visitors and residents to visit the project site and promote street level activity. The project will also improve the streetscape along 11<sup>th</sup> Street and Olive Street with street lighting, trees, landscaping, and bicycle parking, enhancing the overall pedestrian environment.

Therefore, based on the above, the proposed project is consistent with the provisions of the General Plan and the proposed land use designation and will serve to implement the goals and objectives of the Central City Community Plan.

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

The project site is located within the Downtown Center of the City of Los Angeles, and within the Central City Community Plan area and the South Park District. The immediate vicinity is characterized by a mix of commercial, restaurant, bar, office, surface parking and high-rise residential uses. The 38,097 square foot site is currently developed with five one-story commercial buildings. Properties to the south across from 11<sup>th</sup> Street are surface parking lots, that have proposed plans for 51-story mixed-use development and a 60-story mixed-use development. There is also the Grand Loft residential development that is eight stories in height, located southwest from the project site. Properties to the west across the alley are the 20-story Ten50 mixed-use development and one- to two-story commercial buildings. To the north and northwest are mixed-use developments such as the seven-story Oakwood Olympic and Olive and the seven-story 1000 Grand buildings. Properties to the east are one-story commercial buildings and the seven-story Los Angeles Job Corps Center building.

The project would develop the site with a mixed-use building that includes 794 multi-family residential units. The project will also provide a total of 12,504 square feet of ground floor and commercial space comprising of restaurants and retail stores. Parking would be located in six subterranean levels and eight levels in the podium structure. The residential uses would be located in the fifth through ninth levels of the podium structure with the remaining residential units located throughout the 61-story tower. Open space and residential amenities would be located on the eighth through ninth levels of the podium, the 53<sup>rd</sup> through 55<sup>th</sup> levels, and a rooftop level, consisting of an open terrace, pool, and recreational areas. The project would provide a public plaza situated at the southeast corner of the project that includes public art and outdoor seating.

As mentioned above, the project area is urban in nature with various commercial and residential uses and other similar mid- to high-rise mixed-use developments. The project site's proximity to a major transit stop and its High Density Residential designation allows for the

project's residential uses and supportive retail and restaurant commercial uses for the neighborhood. The project's ground-floor commercial uses would incorporate transparent and active storefront design on the public streets and provide a public plaza to create a pedestrian oriented retail environment, while encouraging transit usage. The following project elements were designed in a manner which is compatible with both existing and future developments in the area:

- A. Building Design. The commercial and residential buildings' proposed design would be consistent with the design policies set forth in the Citywide Design Guidelines. The building elevations utilize a variety of architectural features, building materials and changes in depth to break up massing and create a consistent architectural theme for the development. The podium would be screened with clear, fritted, and opaque glass along Olive Street and 11<sup>th</sup> street, with glass and finned panels screening the western elevation along the alleyway. The glass screening would create a unified material and design language from the ground floor to the podium to the tower levels. The opaque glass would obscure the parking areas, while clear glass would allow transparency into and out of the ground floor commercial and residential units at floors 5-7, and the fritted glass applied to balconies at floors 5-7, and the amenity level at floor 8 would create visual interest. It should be noted the Project's west elevation faces an alleyway, and utilizes a separate finned screening. The west side includes the same glass treatment towards the street, while implementing finned screening along the façade partially at the floors 2-4, and fully on floors 5-8. The finned design is partially open to facilitate natural passive ventilation of the parking structure and to allow the project to meet stringent ELDP energy efficiency requirements. At the ground floor level, the commercial and residential entrances would utilize a mix of pre-cast concrete paneling and glass to provide for a varied texture and transparent storefront and residential lobby area. The podium would also utilize wood cladding on the underside of the podium at the ground floor level to soften the façade of the building and create a warm and inviting experience for visitors and residents. The architectural façade of the project's tower would primarily use glass to allow for natural lighting into the residential units, while the wraparound cantilevered balconies on every residential level would provide shade and minimize solar gain throughout the building, highlighting the project's energy efficiency and sustainability. The tower would also use the same screening design pattern from the podium to provide variety in the tower façade and highlight the outdoor open space and amenities throughout the tower. As mentioned above, the project provides open space near the upper levels of the podium and at different levels and corners of the tower. The cutout open spaces within the tower would help break the façade of the tower and provide unique focal points of the tower. Overall, the project's contemporary architecture complements and enhances the surrounding developments.
  
- B. Height/Bulk. The project would reach a maximum building height of 70-stories or 810 feet. The proposed height of the buildings is consistent with recent and future development in the immediate area. Around the immediate vicinity of the Project Site are also high-rise buildings such as the recently constructed 41-story mixed-use AVEN Apartments located at 1120 Grand Avenue, and the South Park Center, that contains two buildings with a maximum height of 32 stories, where both developments are located a block south from the project site. To the west are the Circa development that contains two 36-story high-rise towers and the Oceanwide development that is a 45-story both located 0.23 mile from the project site. Additionally, there are proposed future plans to develop a 60-story (1120 Olive Street) and 51-story (1115 Olive Street) mixed-use buildings at the two surface parking lots directly south of the project site. Overall, the height and bulk of the project would be comparable to that of the high-rise mixed-use developments in the immediate vicinity and contribute to the City's skyline.

- C. Setbacks. The project will comply with the requirements of the Municipal Code and the sidewalk, setback, and streetscape guidelines of the Citywide Design Guidelines. Ground floor treatments also include active retail and restaurant uses, prominent entryways, open plaza, and pedestrian-scaled architecture. The project will provide adequate separation distances between all buildings within and adjacent to the site.
- D. Off-Street Parking. The project will provide residential and commercial parking spaces on-site in accordance with the requirements of the Municipal Code, and will be located in the six levels of subterranean parking and eight levels in the podium structure. In addition, the project would include infrastructure for electric vehicle charging stations to facilitate the use of electric vehicles. The project will also provide long-term and short-term bicycle parking in accordance with the Municipal Code. The long-term bicycle parking will be secure and accessible for residents within the first subterranean parking level, while short-term bicycle parking will be visible along building frontages at Olive Street and 11<sup>th</sup> Street.
- E. Loading. Any loading or noise-generating back-of-house uses are located away from the primary frontages of Olive Street and 11<sup>th</sup> Street and instead provided via a loading area located in the alley accessed from 11<sup>th</sup> Street. Mechanical equipment and utilities are also appropriately screened within the building and on the building's roof without detracting from the usability and active street presence of the development.
- F. Lighting. Implementation of the project will introduce new light sources within the project site, including streetlights, interior building lighting, exterior security lighting, exterior architectural lighting, and sign lighting. Project lighting would incorporate low-level exterior lights on the building and along pathways for security and wayfinding purposes. In addition, low-level lighting to accent signage, architectural features, and landscaping elements would be incorporated throughout the site to provide for efficient, effective, and aesthetically lighting solutions that minimize light trespass from the site. Outdoor lighting sources will be shielded away from adjacent uses to minimize impacts. The project also incorporates natural lighting into the building through its cutout open space area located within the tower. The project's wraparound cantilevered balconies on every residential level of the tower also provides shade and minimize solar gain throughout the building.
- G. Landscaping. Open space and landscaping for the project is concentrated on the eighth through tenth levels of the podium, the 53<sup>rd</sup> through 55<sup>th</sup> levels, and the rooftop of the tower. The podium's open space includes an event deck, garden, outdoor seating areas, and playground. The tower's open space includes an outdoor pool and spa, lounge area, and kitchen/bar area. Landscaping would also be installed around the perimeter of the building and throughout all the open space levels of the building, utilizing native shrubs, perennials, and canopy trees. The perimeter streetscape character would accommodate pedestrians through shade canopy trees, landscaping planters, street furniture, and outdoor seating and public art at the public plaza at the southeast corner of the project.
- H. Trash Collection. The project is conditioned to enclose all tenant trash containers from view and has incorporated trash collection features into building designs. Trash receptacles will also be provided throughout the open areas of the project. The project will include a recycling area or room for the collection of glass, cans, paper and plastic recyclable materials. Trash and recycling facilities will be kept secure from unauthorized entry.

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

The arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties.

- c) *The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.*

The project will result in the creation of new residential and commercial uses on a site that is currently developed with five partially vacant one-story commercial buildings while minimizing impacts on neighboring properties. The project would provide open space amenities throughout the project site. At the ground floor level, the public plaza at the southeast corner of the project would provide public open space with outdoor seating, landscaping, and public art displays. At the eighth through tenth levels of the podium would be common open space that includes an outdoor terrace with landscaping, outdoor seating, gardens, playgrounds, and event deck. The mid-tower common open space (from the 53rd through 55th levels) and rooftop terrace would also provide amenities such as a pool and spa, outdoor dining area, event areas, gym/fitness center, and community rooms. Additionally, the project would provide residential open space areas within private wraparound cantilevered balconies for most of the residential units.

As an ELDP project, the project would be required to provide sustainable features and service amenities for its residents and visitors such as achieving LEED Gold certification, maximizing transit friendly features (resulting in a minimum 15 percent greater transportation efficiency), and being 'Net-Zero' in GHG emissions. The project also complies with Site Plan Review Condition 14 which that would require the installation of wiring for the future installation of electric vehicle charging stations for 30 percent of the proposed parking, the immediate installation of electric vehicle charging stations for ten (10) percent of the proposed parking spaces. The electric vehicle charging spaces and other sustainability features as an ELDP project will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions and fuel consumption from the project site, through encouraging the use of low or zero emission vehicles and public transit.

The project is also located in an urbanized setting of the South Park District, which is adjacent to the LASED and Convention Center which are major entertainment areas of downtown. The project's ground floor commercial retail and restaurant uses would complement the variety of commercial uses from other mixed-use developments around the area, as well as provide visitors and residents more dining and shopping options. The project's commercial uses would also provide employment opportunities for the residents in the surrounding area. Additionally, since the project site is within close distance to many restaurants, retail stores, and entertainment venues, residents would be able to walk, use active transportation, or public transit to these different amenities, which promotes the sustainability goals of the City and as an ELDP project.

Lastly, the project's tower has been designed and concentrated in the northeastern portion of the project site to provide a significant amount of space for the residents of the adjacent Ten50 mixed-use development west of the project site. The tower's configuration and design will ensure that sufficient natural lighting and air circulation would be provided for the project's residents and surrounding neighbors. Therefore, the project will not result in negative impacts on neighboring properties.

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of the 1045 Olive Project by preparing an environmental impact report (EIR) (Case Number ENV-2016-4630-EIR / SCH No. 2017121047). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines").

The 1045 Olive Project EIR, consisting of the Draft EIR and Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of the 1045 Olive Project (Project), located at 1033-1057 South Olive Street (Site or Project Site). The Project involves the construction and operation of a 70-story mixed-use high-rise residential development with ground floor commercial uses on a 38,097 square foot site. The Project would include up to 794 residential units, 12,504 square feet of ground-floor commercial (restaurant/retail) uses, a ground-floor public plaza, subterranean and above-ground parking, and residential open space amenities. The Project is a certified Environmental Leadership Development Project (ELDP).

The Draft EIR was circulated for a 48-day public comment period beginning on September 26, 2019, and ending on November 12, 2019. The Final EIR was then distributed on December 18, 2019, and an Erratum was released on February 6, 2020. The Advisory Agency certified the EIR on February 7, 2020 ("Certified EIR") in conjunction with the approval of the Project (VTT-74531-CN). In connection with the certification of the EIR, the Advisory Agency adopted CEQA findings and a mitigation monitoring program. The Advisory Agency adopted the mitigation monitoring program in the EIR as a condition of approval. All mitigation measures in the previously adopted Mitigation Monitoring Program are imposed on the project through Conditions of Approval of VTT-74531-CN, to mitigate or avoid significant effects of the proposed Project on the environment and to ensure compliance during Project implementation.

### **NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED**

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

- B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the above changes or factors has arisen since the Project approval. There are no substantial changes to the Project, and the Project is substantially the same as the approved Project. No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the Project. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the project.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the Project's conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of the Project.

Therefore, as the Project was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required for the Project, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

## **RECORD OF PROCEEDINGS**

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for the environmental case number).

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](https://planning.lacity.org/development-services/appeal-application-online))

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

**Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment.** On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

### OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

#### **Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

#### **Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

#### **West Los Angeles DSC**

(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment