



## DEPARTMENT OF CITY PLANNING

### RECOMMENDATION REPORT

CONTINUED FROM OCTOBER 11, 2007



#### Los Angeles City Planning Commission

**Date:** November 8, 2007  
**Time:** After 8:30 a.m.\*  
**Place:** Los Angeles City Hall  
200 N. Spring Street, 10<sup>th</sup> Floor  
Los Angeles, CA. 90012

**Public Hearing:** July 20, 2007  
**Appeal Status:** Commission decision appealable to City Council  
**Expiration Date:** November 8, 2007

**Case No.:** CPC-2004-4139-ZV-CUB-CUX-ZAD  
**CEQA No.:** ENV-2004-4140-MND Addendum

**Related Cases:** N/A  
**Council No.:** 1  
**Plan Area:** Central City North  
**Specific Plan:** N/A  
**Certified NC:** Historic Cultural  
**GPLU:** Regional Commercial  
**Zone:** C2-2, [Q]C2-2

**Applicant:** Lawrence S. Bond,  
Chinatown Gold Line Station, LP  
**Representative:** Elizabeth Borstein

#### PROJECT

**LOCATION:** 900-924 N. Broadway, 215-219 College Street, 901 Spring Street

#### PROPOSED PROJECT:

Demolition of an existing vacant restaurant building, removal of surface parking and construction of a 360,071 square foot mixed use project to be constructed in two buildings (approximately 127 feet 11 inches high) with 262 residential dwelling units including a 10% set aside for moderate income families and 10% for working families, 43,231 square feet of commercial use, and a 17,642 square foot Cultural Plaza. The project will provide 197 residential parking spaces, 175 commercial and public parking spaces for a total of 372 parking spaces in a public and private, subterranean and above ground parking structure. The project will also include an intermodal parking area adjacent to the Gold Line Station to include 35 surface parking spaces for commuter vans, approximately 5 spaces for taxis and approximately 20 spaces for bicycles.

#### REQUESTED ACTIONS:

1. Pursuant to [Q] Condition No. 1 of Ordinance 164,855, a **Approval of Plans** for a development with a Floor Area Ratio (FAR) in excess of 2:1.
2. Pursuant to Section 12.27 of the Municipal Code, a **Zone Variance** from Section 12.21. A. 4 (a) to allow 197 parking spaces for the residential portion of the project.
3. Pursuant to Section 12.24 W 1 of the Municipal Code, a master **Conditional Use** to permit the sale of a full line of alcoholic beverages for eight (8) anticipated uses including three restaurants providing on-site consumption; two lounges also providing on-site consumption, one of which will feature live entertainment and dancing; a catering establishment serving alcohol for special events on the Cultural Plaza; a wine bar providing on-site tasting and off-site sale of beer and wine, and a retail establishment providing a full line of alcoholic beverages for off-site sale.
4. Pursuant to Section 12.24 W 18.a of the Municipal Code, a **Conditional Use** to permit an entertainment use to be located in the C2 zone, specifically dancing in two of the commercial venues in the project (one of the lounges and the Cultural Plaza during some special events).
5. Pursuant to Section: 12.24.X.20 of the Municipal Code, a **Determination** for the following: to permit two or more uses to share their off-street parking spaces.

6. Pursuant to Section 12.24 Y of the Municipal Code, a **Determination** to permit a ten percent decrease of the number of commercial parking spaces required for a project located not more than 1,500 feet from the portal of a fixed rail transit station, bus station or similar transit facility.

**RECOMMENDED ACTIONS:**

1. **Approve** a mixed-use development with a Floor Area Ratio (FAR) of 6:1, subject to the attached Conditions of Approval.
2. **Approve** a Zone Variance from Section 12.21. A. 4 (a) to allow 197 parking spaces for the residential portion of the project.
3. **Approve** a master Conditional Use to permit the sale of a full line of alcoholic beverages for eight (8) businesses including three restaurants providing on-site consumption; two lounges providing on-site consumption, one catering establishment serving alcohol for special events on the Cultural Plaza; one wine bar providing on-site tasting and off-site sale of beer and wine, and one retail establishment providing a full line of alcoholic beverages for off-site sale, subject to the attached Conditions of Approval.
4. **Approve** a Conditional Use to permit entertainment, specifically dancing in two of the commercial venues, (one of the lounges and the other for the Cultural Plaza during special events) subject to the attached Conditions of Approval.
5. **Approve** a Zoning Determination to permit two or more uses to share off-street parking spaces within the project development.
6. **Approve** a Zoning Determination to permit a ten percent reduction of the number of commercial parking spaces required for a project located within 1,500 feet from the portal of a fixed rail transit station, bus station or similar transit facility.
7. **Adopt** Mitigated Negative Declaration No. ENV-2004-4140-MND Addendum.
8. **Adopt** the attached Findings.
9. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that the mitigation conditions, identified as "(MM)" on the condition pages, are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

S. GAIL GOLDBERG, AICP  
Director of Planning

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Charles J. Rausch Jr., Senior City Planner  
(signed original in file)

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Jim Tokunaga, Hearing Officer  
(213) 978-1309  
(signed original in file)

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## **PROJECT ANALYSIS**

### **REASON FOR CONTINUANCE**

This case was previously scheduled before the City Planning Commission on October 8, 2007. City Planning staff presented the project to the Commission and made the Department's recommendation, however the applicant changed the project from the previous request of 169 residential units to 262 units and revised the parking variance from one space per unit to 197 spaces (total) for the 262 units. Because the project submitted to the Department and the City Planning Commission was not for the revised project, the case was continued until proper legal notice was made and the Recommendation Report reflect the correct project. The reason for the project change from the initial request of 169 residential units to the current 262 units is it was unclear at the time of filing what the final public parking agreement with the city would be. This agreement has been finalized and now the applicant can proceed with the project as originally intended. The Commission also asked the applicant at this time to provide additional information on the affordable housing component of the proposed project and whether the project will be "LEED" certified.

### **PROJECT SUMMARY**

The proposed development is for a mixed-use project on six contiguous lots located in the City of Los Angeles with addresses at 900-924 North Broadway, 215-219 College Street and 901 Spring Street. The proposed project is situated in two zone designations. The parcels that generally front on Broadway are zoned C2 (the "West Parcels") and the parcel that fronts on Spring Street is zoned [Q]C2-2 (the "East Parcel"). The project is also known as the Blossom Plaza Mixed Use Development and Intermodal Transportation Facilities Project or simply "Blossom Plaza". The proposed development will include 262 for-sale condominiums (inclusive of a 10% set-aside for moderate-income families of not more than 120% of area median income, and a 10% set-aside for workforce housing for families earning not more than 150% of area median income) with a total residential floor area of up to 316,840 square feet, approximately 40,259 square feet of retail and restaurant space located on the West Parcels, and approximately 17,743 square feet of outdoor cultural plaza open space located on the East Parcel. The 262 units will consist of 50 two-bedroom units, 127 one-bedroom units, and 85 studio units. The total area of the Cultural Plaza together with an open area pedestrian walkway from North Broadway to the Cultural Plaza is approximately 29,669 square feet. The Plaza will be permanently dedicated to the City of Los Angeles as public recreational and open space. A total of 372 parking spaces will be provided in a semi-subterranean parking structure that is divided between three-levels of subterranean parking beneath the commercial space and residential units on the West Parcels and two-levels of above-ground parking garage beneath the Plaza on the East Parcel.

### **Leadership in Energy and Environmental Design (LEED) Certification**

One of the unique characteristics of this project is that, if approved, will be the one of the first large projects in the area to be certified under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The buildings are designed to maximize a number of benefits to the building occupants that also contribute to its LEED Gold Certification. The objective of a LEED certified building is a design with environmental sustainability which is more energy efficient, less expensive to operate, and keeps residents health in mind. All building materials and finishes will be selected with the occupant's health and the preservation of the environment in mind.

### **Affordable Housing Component**

The entire project was originally designed to be market rate units. The project is located in the Chinatown Redevelopment Project Area and Community Redevelopment Agency (CRA) Policy

requires that 20% of the units be set aside for families at or below 120% of Area Median Income. However, the total cost of the development created a large gap in financial feasibility to meet CRA Policy and a compromise was reached whereby the Applicant/Developer would provide 10% on-site (26 units) for Moderate Income families (earning not more than \$46,250 a year). The CRA would subsidize these units for \$2,593,800 with the funds secured by an Agency Note pledging future housing tax increment generated from this development to be reimbursed to the developer with a 6% interest rate. Also as part of the agreement the developer will create an additional 10% (26 units) workforce housing units for households at 150% of Area Median Income (earning not more than \$78,600 a year) either on-site or elsewhere in Chinatown. If the Developer has not created the workforce housing units prior to completion of the project, the developer will deposit \$1.6 million into a Chinatown Housing Trust Account established to provide additional affordable or workforce housing units in or adjacent to the project area.

## **PROJECT SITE DISCUSSION**

The Blossom Plaza site is located in the Central City North Community Plan. As previously mentioned, the West Parcels of approximately 60,213 square feet is designated as C2-2 (Height District No. 2). The East Parcel of approximately 23,943 square feet is designated [Q]C2-2. Height District No. 2 does not impose any specific height restriction, however this designation does limit development through floor-area-ratio (FAR) restrictions. On the East Parcel a zone restriction includes a [Q] condition with the following limitation: (1) FAR for commercial development shall not exceed 1.5:1; (2) additional FAR of 1.5:1 may be utilized for residential uses, up to a 3:1 FAR total; (3) additional FAR of 1:1 may be utilized for low income housing, for a total FAR not to exceed 4:1; and (4) for any development in excess of 2:1 FAR, development plans shall be submitted to the City Planning Commission for review and approval. It is the final [Q] condition that requires the City Planning Commission approval for this project. The western half of the site has no [Q] limitation and is permitted a 6:1 FAR.

The site is generally flat along Broadway sloping down to the east towards Spring Street. The west side elevation adjacent to Broadway is approximately 310 feet while the east side, adjacent to Spring Street is approximately 288 feet. An approximately 8-foot-high slope is present near the northeast site boundary. The east-facing slope descends from a paved parking area in the northern half of the site toward existing buildings that are adjacent to the northeast site boundary. The Los Angeles River is located one mile to the east.

The project site is currently developed with a single story, 22,500 square foot structure, which is currently vacant and previously the site of "Little Joe's Restaurant." The site also contains a surface-level parking lot with access from College Street and Broadway. Development of the proposed project entails demolition of the vacant restaurant. The site is located immediately adjacent to the Chinatown Gold Line Metro Rail Station.

The site is one of the largest vacant lots in Chinatown, however the current uses do not positively contribute to the Chinatown community and instead, preclude any pedestrian flow along Broadway and College Streets and the existing chain link fencing discourages access to and use of the Gold Line Station. While the former Little Joe's Restaurant building may have had distinguishable architectural value, over time, such value has been removed by prior owners. The vacant structure was originally a three-story grocery store built in 1886. Little Joe's Restaurant was established in 1933 and over time the original Queen Anne style was stripped away and replaced with Art Deco/Early Modern style. The second and third stories of the structure were removed in the 1970's and the building received a complete exterior make over, removing the architectural value of the original structure. In time, the parcels around the restaurant were covered with asphalt and used for surface parking purposes.

## **BACKGROUND**

### **Surrounding Uses**

The project site is located in Chinatown or technically “New Chinatown” since the original Chinatown in Los Angeles was demolished in the 1930’s to make way for Union Station. Although the historic heart of the Chinese community in Southern California, the past decade has seen a decline in business as many new immigrants and Chinese businesses locate to the San Gabriel Valley. The surrounding uses are an intense commercial mix of restaurants, retail shops, commercial offices, and in recent years the addition of art galleries. During the morning and afternoon hours there is considerable pedestrian activity along Broadway and Spring Street. North of the site is a banking/commercial center and the historic Capitol Milling Company building, a mixed-use commercial/warehouse/loft development. To the east are vacant industrial properties and the Metro Gold Line Chinatown Station. A bank and indoor swap meet are located to the south, with other commercial development to the west. The nearest freeway is Highway 110, located approximately ¼ mile to the west. The nearest residences are located approximately 550 feet to the west-southwest on the southwestern corner of Hill Street and College Street.

### **Streets and Circulation**

Broadway is a Secondary Highway while College Street is a collector street. Broadway contains two lanes in each direction with a median turn lane and right turn lane. Broadway northbound eventually connects with the Golden State (I-5) Freeway while the southbound lanes connect with the Hollywood Freeway (I-10). Spring Street has three lanes in each direction with a median turn lane. College Street has one westbound traffic lane with street parking, and two eastbound lanes without street parking. Traffic signals are present at the intersections of Broadway/ College Street, and Spring Street/ College Street. Hill Street a north/south Secondary Highway one block to the west has direct connections to the Pasadena Freeway.

### **Chinatown Redevelopment Plan**

The proposed project is part of the Chinatown Redevelopment Project area. The Redevelopment Plan was adopted in 1980 to eliminate blight, stimulate housing development and maintain the area’s prominence as the focal point of commerce and culture for the Chinese population of Southern California. In consultation with the Chinatown Community Advisory Committee (CCAC) and the First Council District, the Agency sets priorities and develops programs and projects to promote economic and business development, increase the supply of housing, and address all of the goals set forth in the Redevelopment Plan.

The proposed project uses would be consistent with the goals and objectives of the Redevelopment Plan. The eastern half of the project site is designated Community Commercial in the Redevelopment Plan and the western half is designated Community Commercial and/or Light Industrial. The mixed-use residential and commercial project and public parking amenity is consistent with the designation and these uses would be permissible. The Redevelopment Plan also includes a 5-Year Implementation Plan. The proposed project includes land use elements that are envisioned in the 5-Year Plan, including the link between public parking on the project site and a connection to the Gold Line Station. On September 23, 2004, the CRA Board approved residential uses as an appropriate use on the subject site and the proposed project uses are consistent with the goals and objectives of the Redevelopment Plan. Since the original project proposal, over 60 meetings have been held in the Chinatown community, mostly through the Community Redevelopment Agency regarding the proposed project.

### **Public Transit Opportunities**

The Metro Gold Line light rail (with a station at the project site) line currently runs from Union Station (a ten minute walk southeast of the subject site) in downtown Los Angeles to the city of Pasadena and points further east. Additionally, the Gold Line is being extended east from Union Station to Boyle Heights with that portion expected to be completed by 2010. From Union Station, connections can be made to the MTA Red Line as well as to the heavy rail Metro Link system serving Los Angeles, San Bernardino, Riverside, Ventura, and San Diego Counties.

Additionally, Los Angeles Metropolitan Transportation Authority (Metro) Bus Lines routes 76 and 376 run north and south along North Main Street to downtown Los Angeles from points north and east of the City. Both bus lines have stops conveniently located near the Project Site. Also, the Department of Transportation operates a DASH Lincoln Heights/Chinatown bus that connects this area with other nearby destinations and services. Union Station also provides bus connections to Foothill Transit serving the San Gabriel Valley and foothills, Santa Clarita Transit, and Antelope Valley Transit.

### **ISSUES**

The Blossom Plaza project has been in various stages of public discussion since mid-2004 when the Department of Public Works through the Bureau of Engineering prepared the Initial Study and the Mitigated Negative Declaration for a project. Up to the Hearing Officer hearing on July 20, 2007, there have been over 60 meetings with the Chinatown community, the Community Redevelopment Agency, Bureau of Engineering, and Council District 1. The current proposal is the design adopted by the City Council on January 31, 2007 when the public funding package was approved for the project. Much of the original issues such as project design, density, public parking, and open space have been addressed in the current project. No significant issues have emerged from the public, however parking by some local property owners is still a concern as is the lack of a Cultural Center.

### **Parking**

There is still some concern as to whether the proposed project can provide the adequate number of parking spaces for residents of the project. The project with 262 residential condominium units is providing a total of 197 residential parking spaces to be distributed among all the units. As apartment units, the LAMC requires 287 parking spaces (1 space for every studio and one-bedroom units, and 1.5 spaces for the two bedroom units), as condominiums the City would normally require a total of 590 residential parking spaces (2.25 spaces per unit). While normally a stand alone residential project in a typical residential neighborhood would warrant the higher parking requirements, this project is unique in that it is sited adjacent to a rail station, transit bus lines, and many of the day to day amenities are located within walking distance of the project. To require additional residential parking spaces for a project in the center of a Regional Center location like Chinatown would require use of additional land space that could be used for floor area and would increase the costs of the project which are partially public funded. In an effort to reduce dependence on the automobile as a primary source of transportation, the proposed mixed-use project with less than the required number of residential parking is appropriate in a downtown urban environment. This project may mark a turning point in the way the city reviews parking requirements in areas well served by transit options. Buyers of the condominiums should be aware of the parking allotment and the parking situation in the surrounding neighborhood and those who require more parking would more than likely not choose to live at this location.

### **Cultural Center**

Originally the Blossom Plaza project envisioned a 7,000 square enclosed Cultural Center to be used by the Chinatown community and was supported by the Community Redevelopment Agency. In 2005 the project had to be revised eliminating the Cultural Center from the project along with overall 25% reduction in the project scope. Environmental impacts and cost constraints were the main reason for the project revision however, with regards to the Cultural Center, some community members had expressed concern that a 7,000 square foot center was inadequate. While the Cultural Center was eliminated from the project, a larger outdoor Cultural Plaza was incorporated. The Cultural Plaza to be used by the Chinatown community to hold special events is endorsed by the community, and the Community Redevelopment Agency is still looking for appropriate sites for a future Cultural Center as promised to the community.

### **CONCLUSION**

The Blossom Plaza project is a public/private development wherein the City intends to purchase, own, and operate the non-residential portions of the parking structure. Through agreements with the applicant, the City will have access to the Cultural Plaza to program and utilize the Cultural Plaza for public and cultural events. The Cultural Plaza will be designed to accommodate a variety of community, cultural, and recreational programming events including a possible farmers market, art festivals, the Chinatown Food festival, outdoor movie nights, outdoor Tai Chi and other exercises, and Chinese New Year's events. The City will also own the bike shop, located on the Cultural Plaza. By its participation in the project, the City is involved in the design of the project. One of the City's primary needs in Chinatown is additional public parking. In order to address this need, the City through agreement with the applicant incorporated into the project design shared public and non-residential parking and reduced residential parking to promote transit use and provide a greater amount of public parking.

The proposed project will provide a pedestrian-friendly, mixed-use development with commercial and open space opportunities for the community. The site is adjacent to, and accessible by, several existing bus lines and the Gold Line Chinatown Rail Station and would offer significant public transportation opportunities and access for future residents, employees, and patrons. The current entry into Chinatown from the station is unpleasing and difficult to maneuver. An at grade pedestrian walkway from North Broadway through the project to the Gold Line Station will solve the current access issue of navigating a steep slope along College Street from Broadway to the station. The Gold Line Station will be expanded by approximately 1,891 square feet to make the transition from the project to the station. Union Station, a regional transportation hub, is also located within one-half mile of the site. The proposed project will infill a large vacant parcel with a new structure and the large open plaza will link the rest of Chinatown with the Gold Line Station and serve as an entryway from those transit users. In conclusion, the Blossom Plaza project is expected to revitalize the North Broadway commercial corridor and bring more residents and visitors to the Chinatown community.

## CONDITIONS OF APPROVAL

### A. Entitlement Conditions

1. **Use.** The Project as approved is for a mixed-use development consisting of two buildings totaling 360,071 square feet (316,840 square feet of residential and 43,231 square feet of commercial space), a maximum of 128-feet in height in the C2-2 and [Q]C2-2 Zones. A maximum density of 262 residential dwelling units is permitted however of the total, a minimum of 10% shall be set-aside for moderate-income families of not more than 120% of area median income, and an additional 10% shall be set-aside as workforce housing for families earning not more than 150% of area median income. A 17,642 square foot public open space Cultural Plaza shall be permitted as part of the total development.

The Project shall also include an intermodal parking area adjacent to the Chinatown Gold Line Station that provides 35 parking spaces for commuter vans and buses, 5 parking spaces for taxis, and a minimum of 20 bicycle parking spaces.

2. **Site Plan.** Prior to the issuance of any building permits for the subject Project, detailed development site and elevation plans including complete landscape and irrigation plan by a licensed landscape architect or architect, shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The plans shall be in substantial conformance with the site plans labeled as Exhibit "A" stamped and dated November 8, 2007, or as modified by the City Planning Commission attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the L.A.M.C., the subject conditions, and the intent of the subject permit authorization.
3. **Floor Area Ratio.** The maximum floor area permitted is 6:1 based on the project plans submitted and approved by the City Planning Commission on November 8, 2007.
4. **Parking.** A total of 372 parking spaces shall be provided. Of the total, 197 parking spaces shall be dedicated for use by the residents of the dwelling units. The remaining 175 parking spaces shall be shared by the commercial component of the project, residential guest parking, and parking for the general public. Prior to the issuance of a building permit, the Applicant shall submit a parking plan for the residential component of the project identifying the location and distribution of the parking spaces.
5. **Affordable Housing.** Prior to the issuance of a building permit, the applicant shall submit evidence to the Planning Department that a funding agreement for the 20% affordable housing requirement (a minimum of 10% set-aside for moderate-income families of not more than 120% of area median income, and an additional 10% set-aside as workforce housing for families earning not more than 150% of area median income) has been entered into with the Community Redevelopment Agency and approved by the City Council. Such evidence shall be included in the subject case file.
6. **LEED Certification.** Prior to the issuance of a building permit, the applicant shall submit documentation and plans verifying application for the Leadership in Energy and Environmental Design (LEED) rating system, with a minimum level of "LEED Gold" certification (Reference: [www.usgbc.org/](http://www.usgbc.org/)), to the satisfaction of the Department of City Planning. The project plans shall address the development's sensitivity to the environment, resources and energy consumption, the impact on people (quality and

health of work environment), and financial impact (cost-effectiveness/savings in comparison to standard development practices).

## **B. Environmental Conditions**

### **7. Air Quality (Construction).**

- a) Chemical soil stabilizers shall be applied, according to manufacturer's specifications, to all inactive construction areas (previously graded areas which remain inactive for 96 hours), including the soil that would be used for the earthen berm.
- b) Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less.
- c) No open burning of vegetation during project construction..
- d) Reestablishment of ground cover as soon as possible after construction..
- e) Suspension of grading activities when winds exceed 25 mph..
- f) Enclose, cover or water twice daily all soil piles and exposed surfaces.
- g) Keep all designated haul routes clean of any loose soil associated with soil transportation.
- h) Cover loads of all haul/dump trucks securely.
- i) Minimize idling time to 10 minutes.
- j) Use low sulfur fuel for stationary construction equipment, if feasible.
- k) Use architectural coatings which contain a VOC rating of 125 grams/liter or less.

### **8. Cultural Resources (Archaeological and Paleontological)**

- a) An archaeological monitor would be required during all phases of ground disturbing activities including, but not limited to: excavation, utility and infrastructure construction and grading. Should potentially important cultural deposits be encountered in the course of the construction, work shall be temporarily diverted from the vicinity of the discovery until the monitoring archaeologist can identify and evaluate the importance of the find, conduct any appropriate assessment, and implement mitigation measures, if necessary.
- b) If any paleontological materials are encountered during the course of the project development and construction activities, in the immediate vicinity of the find, shall be temporarily halted.
- c) The services of a paleontological shall be secured by contacting the Center for Public Paleontological (USC, UCLA, California State University at Los Angeles, California Stat University at Long Beach or the County Museum), to assess the resources and evaluate the impact..
- d) Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Natural History Museum.

### **9. Geology and Soils**

- a) The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.
- b) All areas of construction should be fine-graded to direct runoff to the street or to the nearest available storm drain.
- c) Prior to issuing a grading permit, the applicant should obtain a haul route approval for the export materials from the City and should comply with applicable restrictions.
- d) During construction, exposed earth surfaces shall be sprayed with water by the contractor to minimize dust generation.
- e) A registered civil engineer practicing geotechnical engineering, or his representative shall be present on-site to observe grading operations and to observe foundation excavations.

- f) Specifications for site grading shall be subject to approval by the City Engineer or other responsible agency.
- g) Where there is sufficient space for sloped excavations, temporary cut slopes may be made at a 1 1/2:1 or 1:1 (horizontal to vertical) gradient with the 1 1/2:1 slope made adjacent to existing structures. However, the stability of the graded slope shall be addressed during the site-specific geotechnical investigation, and when grading plans are completed for the proposed development. Excavations up to 4 feet in height may be able to be cut vertically.
- h) If temporary excavation slopes are to be maintained during the rainy season, it will be necessary to direct all drainage away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or permanent slope.
- i) Water shall not be allowed to pond at the top of the excavation or allowed to flow into the excavation.
- j) Where sufficient space for sloped excavations is not available, shoring shall be used. The shoring system may consist of soldier piles and lagging. The recommendations presented in the site-specific geotechnical investigation report for the proper design of the shoring system shall be followed.
- k) Final shoring plans and specifications shall be reviewed and approved by a civil engineer practicing geotechnical engineering to the satisfaction of the Department of Building and Safety.
- l) Recommendations presented in the site-specific geotechnical investigation report for design of walls below grade to support the lateral earth pressure and the additional surcharges from the adjacent buildings and traffic shall be followed.
- m) A drainage system shall be placed at the back of and/or the base of building walls below grade and above the anticipated high ground-water table.
- n) Suspect or visibly impacted soil or groundwater shall be analyzed to assess the contamination potential.

## **10. Hazards and Hazardous Materials**

- a) Mitigation for hydrogen sulfide gas is required; however, because the project requires compliance with the City's methane ordinance, hydrogen sulfide would be vented by the same system required for venting methane gas. No additional venting system or other mitigation is required.
- b) A monitoring and alarm system to detect the presence and concentration of hydrogen sulfide shall be installed in the parking structure to the satisfaction of the Fire Department Technical Section. The monitoring system shall trigger the operation of the methane venting systems when the threshold of 0.3 ppm (1-hour average) or the odor detection threshold is reached.

## **11. Hydrology and Water Quality.** During construction, the project applicant shall implement all applicable and mandatory Best Management Practices (BMPs) in accordance with the SUSMP and City of Los Angeles Stormwater Management Program. These BMPs shall include, but not be limited, to the following:

- Erosion control procedures shall be implemented for exposed area
- Appropriate dust suppression techniques, such as watering or tarping, shall be used.
- Construction entrances shall be designed to facilitate removal of debris from vehicles exiting the site.
- Truck loads shall be tarped.
- All construction equipment and vehicles shall be inspected for and leaks repaired according to a regular schedule, specified in the Grading Plan approved by the Department of Building and Safety.

**12. Noise**

- a) Construction activities shall be limited to the hours of 7:00 A.M. to 6:00 P.M. Monday through Friday, and 8:00 A.M. to 6:00 P.M. on Saturday and Sunday.
- b) All construction equipment engines shall be properly tuned and muffled according to manufacturers' specifications.
- c) Noise construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the extent possible..
- d) The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Examples include the use of drills, jackhammers, and pile drivers.
- e) Barriers such as plywood structures or flexible sound control curtains shall be erected along Broadway to minimize the amount of noise the temple facility shall be subject to.
- f) Equipment warm-up areas, water tanks, and equipment storage areas shall be located a minimum of 150 feet from the temple facility, where feasible.
- g) Flexible sound control curtains shall be placed around drilling apparatus and drill rigs, if sensitive receptors are located nearby.

**13. Public Services (Fire).** Recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the issuance of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room, shall no be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

**14. Public Services (Police).**

- a) Parking facilities shall be made secure by the use of security cameras or other such device.
- b) Access control to the residential portion of the buildings.
- c) Design public and semi-public space to be well illuminated and with a minimum of dead space to eliminate concealment.
- d) Plot Plans, including lighting and landscaping information, shall be submitted to the Los Angeles Police Department Crime Prevention Unit for review.
- e) The availability of recycled water should be investigated as a source to irrigate large landscaped areas.
- f) Significant opportunities for water savings exist in air conditioning systems that utilize evaporative cooling (i.e., employ cooling towers). LADWP should be contacted for specific information on appropriate measures.
- g) Recirculating or point-of-use hot water systems can reduce water waste in long piping systems where water must be run for considerable periods before heated water reaches the outlet.
- h) Water saving clothes washers and dishwashers are now available from many manufacturers and should be used where available.
- i) The project shall include a holding tank large enough to hold three times the project daily wastewater flow so that the tank would hold all project wastewater during peak wastewater flow periods for discharge into the wastewater collection system during

off-peak hours.

- 15. Schools.** Payment of school fees shall be made to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area
- 16. Recreation and Parks Fees.** The applicant shall comply with the proposed project Quimby fees as determined by the City of Los Angeles Recreation and Parks Department.
- 17. Waste Disposal.** All waste shall be disposed of properly. Use appropriately labeled recycling bins. Recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood and vegetation. Non-recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site. Clean up leaks, drips, and spills to prevent contaminated soil on paved surfaces.

### **C. Conditional Use**

- 18.** The conditional use authorization granted herein for the sale of alcoholic beverages for off-site and on-site consumption shall be limited to a total of eight (8) licenses. The breakdown of the licenses are as follows: three (3) sit down restaurants with a full line of alcoholic beverages for on-site consumption with food service (Type 47 general eating place establishments); one (1) retail establishment selling a full line of alcoholic beverages for off-site consumption; two (2) lounge/bars with a full line of alcoholic beverages for on site consumption (Type 48 stand alone bar establishment), one of the lounges shall be permitted live entertainment and dancing; one (1) wine bar serving wine and beer for on site tasting and for purchasing for off-site consumption; one (1) catering establishment for food and alcohol service at special events on the Cultural Plaza. The following conditions shall also apply:
  - a). The applicant or individual operator shall file a Plan Approval with the Department of City Planning prior to the utilization of any grant made herein pursuant to the sale of alcoholic beverages and for permission of on-site entertainment use. Each plan approval shall be accompanied by the payment of appropriate fees, pursuant to Section 19.01 C of the Municipal Code, and must be accepted as complete by the Department of City Planning. Mailing labels shall be provided by the applicant for all abutting property owners. In reviewing the plan approvals for alcohol sales and consumption, the Director of Planning may consider conditions volunteered by the applicant or suggested by the Police Department, but not limited to establishing conditions, as applicable, on the following: hours of operation, security plans, maximum seating capacity, valet parking, noise, character and nature of operation, food service and age limits.
  - b). Prior to the issuance of any permits relative to this matter, the applicant shall submit an overall security plan for the project site which shall be prepared in consultation with the Los Angeles Police Department and which addresses security measures for the protection of residents, visitors, and employees. The project shall include appropriate security design features for semi-public and private spaces, which may include, but shall not be limited to: access control to buildings; secured parking facilities; walls/fences with key security; lobbies, corridors and elevators equipped with electronic surveillance systems; well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment; and location of toilet facilities or building entrances in high foot traffic areas. Under the

plan approval process individual security plans for each use may also be considered and required.

- c). The alcoholic beverage license for the restaurants shall not be exchanged for "public premises" licenses unless approved through a new conditional use authorization. "Public Premises" is defined as a premise maintained and operated for sale or service of alcoholic beverages to the public for consumption on the premises, and in which food is not sold to the public as a bona fide eating place.
- d). The sale of on-site alcoholic beverages shall be limited to the hours between 11:00 AM and 2:00 AM.
- e). The owners, operators, managers, and all employees serving alcohol to patrons shall enroll in and complete a certified training program is recognized by the State Department of Alcoholic Beverage Control for the responsible service of alcohol. This training shall be completed by new employees within four weeks of employment and shall be completed by all employees serving alcoholic beverages every 24 months.
- f). 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.
- g). 24-hour telephone hot line shall be provided to residents and local neighborhood associations for reporting of any complaints. The hotline shall be answered promptly at all times to receive and resolve complaints regarding the operation of the center, including any of its establishments, or violations of the permit.
- h). A phone number to a responsible representative of the owner shall be posted at each establishment for the purposes of allowing residents to report an emergency or a complaint about the method of operation of any facility serving alcoholic beverages.
- i). The project site managers, individual business owners and employees of all private security officers shall adhere to and enforce the 10 p.m. curfew loitering laws concerning all minors within the grounds of the project site without a parent or adult guardian. Staff shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.
- k). A "Designated Driver Program" shall be operated to provide an alternative driver for restaurant or bar patrons unable to safely operate a motor vehicle.
- l). All personnel acting in the capacity of a manager of the premises and all personnel who serve alcoholic beverages shall attend the Standardized Training for Alcohol Retailers (STAR) sponsored by the Los Angeles Police Department at the session immediately following the opening of the food market. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months.
- m). All public telephones shall be located within the interior of the establishment structure. No public phones shall be located on the exterior of the premises under the control of the establishment.

- n). No employee shall solicit or accept any beverage from any customer while in the premises. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customers.
- o). There shall be no exterior window signs of any kind or type.
- p). Signs shall be posted in a prominent location stating that California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age. "No loitering or Public Drinking" signs shall be posted outside the subject facility.
- q). The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Department to impose additional corrective conditions, if, it is determined by the City Planning Department that such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- r). If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the City Planning Department will have the right to require the Petitioner(s) to file for a Plan Approval application together with the associated fees and to hold a public hearing to review the Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.

#### **D. Other Conditions.**

- 19. Noise (Residential).** All exterior windows shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto. As an alternative, the developer may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
- 20. Air Pollution (Stationary).** The applicant shall install an air filtration system capable of removing 99.97% of all airborne contaminants at 0.3 microns in order to reduce the diminished air quality effects on occupants of the project.
- 21. Graffiti Removal.** The subject property shall be maintained clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8101-F, 91.8904-1 and 91.1707-E. Exterior walls of visible structures other than glass may be covered with clinging vines, screened by vegetation capable of covering or screening entire walls up to heights of at least 9-feet.
- 22. Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall

be clearly identified on the site plan to the satisfaction of the Department of City Planning.

23. **Construction Parking.** Off-street parking shall be provided for all construction-related employees generated by the proposed project. No employees or subcontractors shall be allowed to park on the surrounding streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to the base of operations.
24. **Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period. If warranted, any truck haul routes and staging areas shall be subject to approval by the Department of Building and Safety and Department of Transportation. Haul trucks and delivery trucks may not que adjacent any residential or hotel use.
25. **Balconies.** No items shall be permitted to be placed or stored on any internal or external balcony or balcony railing. The applicant shall ensure that appropriate restrictions are incorporated into the Declaration of Covenants, Conditions and Restrictions governing the use of the property that each owner is aware of such restrictions, and that such restrictions are subject to appropriate enforcement measures. External facing balcony walls shall be constructed of opaque or solid materials so as to be enclosed from the view of street traffic and pedestrians.
26. **Aesthetics.** Every building, structure, or portions thereof shall be maintained in a safe and sanitary condition and good repair and free of graffiti, trash, overgrown vegetation, or similar material, pursuant to Municipal Code Section 91,8104. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.

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

27. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
28. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
29. **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 assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

30. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
31. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
32. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
33. **Project Plan Modifications.** Any correction 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, yard 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.
34. The applicant/owner shall have a period of three years from the effective date of the subject grant to effectuate the terms of this entitlement by securing a building permit. Thereafter, the entitlements shall be deemed terminated and the property owner shall be required to secure a new authorization for the use. If a building permit is obtained during this period, but subsequently expires, this determination shall expire with the building permit.
35. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
36. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

## FINDINGS

- 1. General Plan Land Use Designation.** The subject property is located within the Central City North Community Plan area, which was adopted by the City Council on December 13, 1988. The Plan Map designates the subject property for Regional Commercial land use with corresponding zones of CR, C1.5, C2, C4, RAS3, RAS4, R3, R4, R5. The proposed mixed-use development is permitted within the Regional Center designation and the C2 Zone and is consistent with the Central City North Community Plan.
- 2. General Plan Text.** The proposed project is consistent with the Central City North Community Plan in that it meets the following goals and objectives of the Plan:

**OBJECTIVE 1-2: To locate new housing in a manner, which reduces vehicular trips and makes it accessible to services and facilities** in that the project site is located in an area where rail and bus transit is easily accessible and adjacent to downtown Los Angeles, a major employment center.

**OBJECTIVE 1-4: To promote and insure the provision of adequate housing for all persons regardless of income, age, or ethnic background** in that the project will provide 169 new housing units of varying sizes to include 20% affordable units that encourage a mixture of incomes and family types.

**OBJECTIVE 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services** in that this project will allow for ground floor retail uses in an area where there is currently a vacant building and surface parking lots.

**OBJECTIVE 2-2: To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses** in that this project will bring additional residents into the Chinatown community and also brings the potential for businesses to locate on the ground floor.

**OBJECTIVE 2-3: To enhance the identity of distinctive commercial districts and to identify pedestrian oriented districts** in that this project with new residents and ground floor retail will promote pedestrian activity into an area that is within close proximity to a variety of commercial activities.

- 3. The Transportation Element** of the General Plan will not be affected by the recommended action herein. However, any necessary dedication and/or improvements of Broadway, Spring Street, or College Street to General Plan designated roadway street standards will assure compliance with this element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.
- 4. The Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
- 5. Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the street which adjoin the subject property.

## 6. Zone Variance Findings.

- A. *That the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.*

Strict application of the provisions of the C2-2 and the (Q)C2-2 zones with regard to residential parking would result in practical difficulties and unnecessary hardships which are inconsistent with the general purpose and intent of the C2-2 and the (Q)C2-2 zones. The policy of the Deputy Advisory Agency for condominium purposes is that for six or more residential condominiums there shall be two spaces provided per unit plus .25 spaces per unit for guest parking. As applied to this project, this translates into a total of 590 required residential parking spaces (524 parking spaces for residents and 66 parking spaces for guests). The LAMC parking ratios for multi-family dwellings is based upon the size of the units and would require less parking than the Deputy Advisory Agency policy. The parking requirements set forth in the LAMC for this project (as 100% rental units) is 287 parking spaces and different from the Deputy Advisory Agency's un-codified policy regarding for-sale condominium parking. Given the particularities of the project, the maximum number of parking spaces that this project can feasibly provide for residential use is 197 spaces.

The City has repeatedly expressed a need for the project to provide public parking and a link to the Gold Line Station. In order to provide additional public parking in accordance with the City's request, the applicant has had to reconfigure the residential parking at the project site. Because residents of the project are anticipated to utilize public transportation as their primary source of transportation, a reduction in residential parking is warranted as it will allow for the provision of sufficient public parking while also providing adequate residential parking. Unlike other development projects in the City, convenient mass transit is at the center of the project's design. The proposed project will have a lesser need for parking spaces and warrants a parking variance allowing for less than required residential parking spaces. This approach also implements the goals of the MTA for developments linked to major public transportation infrastructure.

The general purpose of the parking requirements of the LAMC is to ensure that projects provide sufficient on-site parking for the anticipated demand of land uses, thereby promoting the health, safety and general welfare of the community and preventing adverse impacts to surrounding properties arising from parking demand overflow. However, the general purpose of the City's parking requirements do not account for "smart growth" intermodal transportation projects and transit-oriented projects wherein parking spaces be provided for every unit. Strict application of the zoning ordinance poses a practical difficulty and unnecessary hardship that prevents the site from creating a smart growth project with the adjacent Gold Line Station. Only through a variance from required parking ratios can the City approve projects that discourage auto-dependence and encourage the use of conveniently-located public transit.

The project has been designed to incorporate and promote the use of public transportation. The mixed-use nature of the project fosters pedestrian traffic, strengthens the community and minimizes the need for private transportation. In addition, the project contains a significant amount of open space, public walkways, and access corridors that visually and physically unite the Gold Line Station to the site, North Broadway, College Street, and to Central Plaza. Strict imposition of the LAMC's parking requirements on the Project results in practical difficulty and unnecessary hardship because in order to provide the required parking, the project design would have to be altered in a way that reduces open space, reduces pedestrian accessibility and minimizes the emphasis on public transportation. To require this intermodal transportation project to meet code-required parking would negate

the City and MTA's goal of encouraging development where dependence on vehicle transportation is disincentivized in favor of convenient public transportation.

In addition, the residential uses on the Project are designed to attract young professionals, single people or young couples without children, who desire to utilize public transportation and are interested in living a more urban atmosphere with convenient access to work, dining and shopping. Given the proximity to the Gold Line Station, provision of an overall residential parking plan in conjunction with public parking available for guests meets the purpose and intent of the parking requirements of the LAMC to set parking requirements based upon parking demand.

- B. That there are special circumstances applicable to the subject property such as size, topography, location, or surroundings that do not apply to other properties in the same zone and vicinity.*

There are special circumstances applicable to the project site such as topography, location, and surroundings that do not apply to other properties in the same zone and vicinity. The project site has a significant grade differential and irregular shape, which pose significant constraints for construction purposes. The grade differentials together with the presence of unstable soils and a high water table throughout the site would make the design and construction of subterranean parking prohibitively expensive. In addition, further subterranean parking is not only prohibitively expensive, but would also require remediation of volatile organic compounds that exist on the East Parcel at a depth that inhibits deeper subterranean parking. The applicant and the City have explored expansion of the proposed parking structure but the grade differential prevents the provision of any additional above-grade parking without substantially increasing the height of the residential buildings and the Cultural Plaza. This additional height would not be consistent with surrounding neighborhood uses and would not provide a pedestrian link to the Gold Line Station. The project is already 18 feet above College Street; an additional level of parking would require the project to rise even higher above College Street. In addition, the City has expressed a desire for the proposed project to provide public parking on this site. These competing site constraints do not apply to other properties in the same zone and vicinity.

The vicinity to public transportation and the project's incorporation of public transportation sets the Project Site apart from other properties in the same zone and vicinity. Nowhere else in Chinatown or the downtown area is a site this large available for mixed-use development linked to a Gold Line Metro station. The project site is the only property in the vicinity, which will provide residential uses and will be directly connected to the Gold Line Station. The Project combines an urban-residential atmosphere where residents can live, work, shop and utilize the Gold Line as their main source of transportation. Rather than utilizing available land at the project site for parking purposes, the applicant will maximize open space and create a pedestrian-friendly environment. The project provides a unique opportunity for the City to create a mixed-use development, which will integrate multiple uses and have an orientation toward public transportation at its core.

- C. That the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.*

The variance requested herein is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zone and vicinity, but which, because of the project site's special circumstances, practical difficulties and unnecessary hardships is denied to the project.

Other property in the vicinity have been developed for residential and commercial uses without the need to accommodate public needs and public amenities. The property is unique because only through cooperation with the City, the CRA, and the MTA and other governmental agencies could private development be considered on the property. At one point, the CRA was pursuing a project wherein it would condemn the subject property for use as a public parking structure. This approach would have denied the applicant the right to use this site for housing and commercial uses. The current project is the result of a compromise in lieu of condemnation. No other site in the area has dual zoning, a significant grade differential and irregular shape, which are significant constraints for construction purposes. These varied interests could have inhibited the applicant's their right to develop the property if not for the public/private partnership between applicant and the City, which created the project in order to serve various public goals and preserve applicant's property interests.

If the applicant is to satisfy the City's desire to provide public parking at the project site and to create a connection between the project and the Gold Line Station, then the applicant cannot provide the amount of residential parking required by the LAMC. In order to create a visual and physical connection between the project and the Gold Line Station, the project will provide a pedestrian walkway directly linking the two. Further, the project has been designed to create an open and fluid environment that is easily accessible to pedestrians and fosters the use of public transit. The applicant cannot accomplish development of such an environment without the variance requested herein. In addition, because of the grade differential and irregular shape of the site, the applicant will face a number of construction constraints that will prevent it from providing the amount of residential parking spaces required by the LAMC.

No other property in the same zone and vicinity is subject to the constraints applicable to the project site. The applicant's are committed to developing the property in a manner that is most beneficial to the community, however, given the competing interests expressed by the City and given the construction constraints caused by the grade differential and irregular shape of the property,

- D. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

The granting of the variance requested herein will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone and vicinity in which the project site is located. The project will be beneficial to the public welfare and to the property and improvements in the same zone and vicinity. Granting of the variance will make development of the project possible.

The variance requested herein would allow for the project to provide a reduced amount of residential parking. The MND, the MND Addendum, and the traffic analysis accompanying both documents indicate that neither parking nor traffic circulation will be significantly impacted by development of the project after mitigation. A Traffic Study was approved by the Los Angeles Department of Transportation (LADOT) and according to the Traffic Study and Shared Parking Analysis, the proposed amount of parking adequately meets the needs of the project. In order to meet the City's need to provide public parking at the project site, the applicant will provide one parking space per residential unit for a total of 169 residential parking spaces and no guest parking spaces. While the Advisory Agency Policy would require a total of 380 residential parking spaces at the Project Site, provision of 169 residential parking spaces adequately meets the needs of the project. Because it is anticipated that a significant percentage of project residents and their guests will utilize the

Gold Line as their primary service of transportation, the decreased number of residential parking spaces that the project will provide is sufficient to meet the needs of its residents. By fostering the use of public transportation, the project provides a benefit to the community. The project's mix of commercial and residential uses, open space, and its integration of the Gold Line Station in the project design will attract professionals interested in living in an urban community with strong cultural influences and a convenient and reliable source of public transportation. The project will maximize the use of the project site by creating a pedestrian friendly environment that is welcoming to the community and its visitors.

*E. That the granting of the variance will not adversely affect any element of the General Plan.*

The granting of the variance will not adversely affect any element of the Community Plan because the proposed project is compatible with the goals, objectives and policies of the same. Objective 1-2 of the Community Plan is to "locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities," this objective is linked to Community Plan Policy 1-2.1 which is to "encourage multiple residential development in commercial zones." The proposed project will locate housing in a generally commercial zone and in a manner that reduces vehicular trips, provides direct access to service facilities and promotes the use of public transportation. The proposed Project will provide needed housing near existing commercial uses, while preserving the character of the community. Because the Project Site is located immediately adjacent to the Gold Line Station and will provide a wide range of retail and restaurant uses for visitors and local residents, there will be a lesser need to utilize private transportation, thereby reducing vehicular trips.

In addition, the Community Plan contains a number of transportation goals and objectives with which the project is compatible. For example, Objective 2-3 of the Community Plan is to "enhance the identity of distinctive commercial districts and to identify pedestrian oriented districts" and Goal 12 of the Community Plan is to "encourage alternative modes of transportation to the use of single occupant vehicles in order to reduce vehicular trips." The proposed project will enhance the identity of the distinctive Chinatown commercial district, will create a pedestrian oriented environment and will encourage use of alternative modes of public transportation including the MTA Gold Line. The proposed Project promotes the goals and objectives of the Community Plan and does not adversely affect any element of the same.

Furthermore, development of the proposed project is consistent with the goals and objectives of the Citywide General Plan Framework. According to Section 3.14.9 of the Framework, it is the Framework's intent to encourage "*new development in proximity to rail... It is intended that a considerable mix of uses be accommodated to provide population support and enhance activity near the stations. This may encompass a range of retail ... restaurants and housing that serve both transit users and local residents.*" The project meets precisely this intent. The project site is located immediately adjacent to the Gold Line Station and will enhance activity nearby and will provide a range of residential, retail and restaurant uses to serve both transit users and local residents.

- 7. Conditional Use Findings (Alcohol).** Applicant seeks a blanket Conditional Use permit for the sale of a full line of alcoholic beverages for on-site and off-site consumption. A blanket Conditional Use approval establishes the maximum number of alcohol-serving establishments and locations within the project, establishes the types of alcohol-serving establishments within the project, and establishes certain additionally-permitted activities within those establishments such as live entertainment, and dancing. Because none of the specific operators of the alcohol-serving establishments can be known until after the project is built, a blanket Conditional Use permit requires that each operator seek and obtain a separate plan approval from the Zoning

Administrator before the operator is authorized to serve alcohol at an establishment within the project. The purpose of the plan approval is to ensure that each operator proposes a use that is consistent with the Conditional Use permit.

*A. The location of the Facility is proper in relation to adjacent uses and the development of the community.*

The location of the proposed project is proper in relation to the adjacent uses and the development of the community because the project site is a dense urban environment characterized by Chinatown restaurants, shops, industrially-zoned sites and high-density residential uses. The uses surrounding the project site are: (a) to the north, a banking/commercial center, the historic Capitol Milling Company building, a mixed-use commercial/warehouse/loft development; (b) to the east, vacant industrial properties and the Chinatown Gold Line Station; (c) to the south, a bank and an indoor swap meet; and (d) to the west, other commercial development. The project will provide a mix of residential and commercial uses primarily designed to accommodate professionals and community members interested in living in an urban setting. The project will blend with the existing surrounding uses and the Conditional Use for the sale of alcohol sought herein will allow a full range of dining and retail options to local residents and visitors. The project will provide a mixed-use development that will contribute to and be consistent with the mix of uses in Chinatown where people can live, dine and shop within a pedestrian-friendly environment. The applicant is required to complying with all conditions required of it in order to manage alcohol sales and consumption for the greater benefit of the community.

*B. The location of the Facility is desirable to the public convenience and welfare.*

The location of the proposed project is desirable to the public convenience and welfare because it is located on a primarily commercial corridor. Furthermore, serving of alcohol is a customary and incidental use for these types of establishments to be located on the project site. The project has been designed to encompass a variety of uses that will serve both residents and visitors. In order to succeed, the project must provide a full range of services. The requested Conditional Use would allow the restaurants and lounge to fully serve and satisfy the needs of its patrons by including a range of venues that serve alcohol in a responsible manner. Each operator will carefully screen the establishments serving alcohol to ensure that alcohol sale and consumption is handled properly. Consequently, location of the project site is desirable to the public convenience and welfare.

*C. The Facility will not be detrimental to the character of development in the immediate neighborhood; and will be in harmony with the various elements and objectives of the General Plan.*

The project will not be detrimental to the character of development in the immediate neighborhood, the proposed development will be a positive contribution to the neighborhood. The project's architectural design will blend Asian-influenced architecture of Chinatown, but most importantly, the project will create a beneficial use on the largest vacant lot in Chinatown. The site is currently severely underutilized, the vacant structure and the surface parking lot uses that currently exist on the project site provide no benefit to the community. Development of the project will bring needed housing to the neighborhood, and will provide commercial uses to fit the needs of local residents and visitors. The project will be welcoming to pedestrians and will be easily accessible by public transportation users. In addition to having transit shelters along North Broadway, the project will also be physically connected to the Gold Line Station. The project design mixes residential and commercial uses fostering pedestrian traffic thereby adding to the vibrancy of the community. The Conditional Use requested will allow the applicant to fully serve residents

and visitors of the project and will not be detrimental to the character and development in the immediate neighborhood.

Because the grant of a blanket Conditional Use Permit specifically requires that a subsequent plan approval be issued by the Zoning Administrator before any approved establishment may serve alcohol, the City and the public will have the opportunity to ensure that each establishment operates in manner that is not detrimental to the character of the neighborhood.

The proposed project will be in harmony with the various elements and objectives of the Community Plan. The project will mix residential and commercial uses allowing residents to live and shop within their community without the need for private vehicles. The project will also be linked to mass transit in order to encourage its use. The project is in harmony with the elements of the Community Plan and directly meets a number of the Community Plan goals and objectives. Objective 1-2 of the Community Plan is to "locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities." The project will locate new housing in a manner accessible to services and facilities.

*D. The proposed use will not adversely affect the economic welfare of the pertinent community.*

The proposed project will not adversely affect the economic welfare of the community. Successful development and operation of the proposed project will create 169 new residential units, approximately 15,513 square feet of leaseable retail space and approximately 24,746 of leaseable square feet of restaurant space, approximately 17,743 square feet of outdoor plaza open space and a 344-space subterranean and above ground structure parking garage. The project site is currently occupied by a vacant building and an unused surface parking lot. Development and operation of the project will bring a significant economic benefit to a property that is now being drastically underutilized. Beneficial use of the project site will also create numerous employment opportunities. Further, because service of alcohol is a customary and incidental use for the type of restaurants, which the project includes, the requested Conditional Use will allow business owners to adequately satisfy the needs of project residents, community members, and visitors to Chinatown. Compliance with the Conditions of Approval imposed on the Project and are intended to prevent adverse effects on the community.

*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 in the area of the City involved.*

Granting of the requested Conditional Use Permit will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages in the area of the City involved. According to Census Tract 2060.10 there are currently seven on-site and one off-site licenses on such Census Tract. In addition the site is located in a relatively low crime area of the City, and the applicant will ensure that additional security be provided at the project site as needed. The allowed concentration of alcohol licenses are regulated by census tracts (i.e., how many people live within the census the tract). This method of determining alcohol license concentration fails to account for neighborhoods such as Chinatown that are City-wide destinations. City-wide destinations serve more people than live in the census tract. People come to Chinatown for the purpose of shopping and dining. Consequently, in commercial destination areas such as Chinatown, alcohol licenses in excess of the number allowed in a census tract is thoroughly appropriate. Moreover, current population figures for the Census Tract No. 2060.10 undercount Chinatown's reality. The census figures are six years out-of-date and cannot account for the significant increase in housing construction and concomitant population growth that is Chinatown's and downtown's recent history.

- F. The proposed use will not detrimentally affect nearby residentially zoned property or other sensitive uses such as hospitals, schools, churches or public playgrounds.*

The uses proposed on the project site, including the Conditional Use Permit requested herein, will not detrimentally affect nearby residentially-zoned property or other surrounding sensitive uses. While there are residential uses near the project site, development of the currently underutilized project site will be beneficial to such uses. Development of the project will provide additional needed housing as well as needed services such as retail and restaurant uses. All establishments serving alcohol at the project site will be staffed with qualified teams for the responsible service of alcohol.

There is one school near the project site, the Castelar Elementary School located at 840 Yale Street as well as one church, the Kong Chow Benevolent Association and Temple. The establishments selling alcohol at the project site must agree to all measures necessary to ensure that alcohol is served only to adults of 21 years or older and will mitigate any potential inconveniences or detrimental impacts. However, it is anticipated that no such inconveniences or detrimental impacts are anticipated because peak times for the commercial uses on the project site will not coincide with the peak times of school or temple traffic. The alcohol sold at the project is intended for the residents of and visitors to the project.

- 8. Conditional Use Findings (Entertainment).** Applicant seeks a Conditional Use Permit to allow dancing in two (2) venues within the project: in one of the lounges and at special events through the catering establishment as described below. A Conditional Use Permit is required in the C2 zone for Dance Halls, defined in LAMC Section 12.03 as any place where "public dances are held or conducted, other than when incidental to the operation of a hotel, apartment hotel, banquet room, catering hall, church, school or lodge." Public Dance is defined as, "a gathering of persons in or upon any premises where dancing is participated in and to which premises the public is admitted. This Conditional Use is requested in tandem with the blanket Conditional Use Permit request for the sale of alcohol. Similarly, this Conditional Use request will establish the maximum number, type and location of establishments within the project where dancing may take place. Because none of the specific operators of the establishments can be known until after the project is built, each operator will seek and obtain a plan approval from the Zoning Administrator before the operator is authorized to allow public dancing or dance hall uses at an establishment within the project. The purpose of the plan approval is to empower the Zoning Administrator to ensure that each operator proposes a use that is consistent with the blanket Conditional Use.

- A. The location of the Facility is proper in relation to adjacent uses and the development of the community.*

The project is proper in relation to the adjacent uses and the development of the community because the site is in a dense urban environment characterized by Chinatown restaurants, shops, industrially-zoned sites and high-density residential uses. The uses surrounding the Project Site are: (a) to the north, a banking/commercial center, the historic Capitol Milling Company building, a mixed-use commercial/warehouse/loft development; (b) to the east, vacant industrial properties and the Chinatown Gold Line Station; (c) to the south, a bank and an indoor swap meet; and (d) to the west, other commercial development. The Project will provide a mix of residential and commercial uses primarily designed to accommodate professionals and community members interested in living, working and playing in an urban setting. The project will blend with the existing surrounding uses and the Conditional Use sought herein will assist the applicant in providing a full range of retail, dining and entertainment options to local residents and visitors.

*B. The location of the Facility is desirable to the public convenience and welfare.*

The location of the project is desirable to the public convenience and welfare because it is located on a primarily commercial corridor. The proposed project has been designed to encompass a variety of uses that will serve both residents and visitors. In order to succeed, the project must provide a full range of services. The requested Conditional Use would allow the applicant to fully serve and satisfy the needs of its patrons by including a range of venues, including two venues which will allow dancing. Applicant will carefully screen the establishments which allow dancing to ensure that the use positively complements the venues by including an entertainment component befitting of the character of the project and the community. Part of the screening process will include careful consideration of the location of these venues in relation to likely adjacent and nearby establishments as well as the uses and character of the adjacent community. In this way, it will be ensured that the location of the project site is desirable to the public convenience and welfare.

*C. The Facility will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.*

The project will not be detrimental to the character of development in the immediate neighborhood. The project will be a positive contribution to the neighborhood by redeveloping an underutilized vacant building and surface parking lots into a new mixed-use development. The project's architectural design will blend with the eclectic Asian-influenced architecture of Chinatown, but most importantly, the project will create a beneficial use on the largest vacant lot in Chinatown. Development of the project will bring housing to the neighborhood, and will provide commercial uses to fit the needs of local residents and visitors. The project will be welcoming to pedestrians and will be easily accessible by public transportation users. In addition to having transit shelters along North Broadway, the project will also be physically connected to the Gold Line Station. The project design will mix residential and commercial uses fostering pedestrian traffic. The Conditional Use requested herein will allow the applicant to fully serve residents and visitors of the project by creating a harmonious range of venues and opportunities and will not be detrimental to the character of development in the immediate neighborhood.

The project will be in harmony with the various elements and objectives of the Community Plan. The project will mix residential and commercial uses allowing residents to live, shop, and access entertainment venues within their community without the need for private vehicles. The project will also be linked to mass transit in order to encourage the use thereof. As previously mentioned, the project is in harmony with the elements of the Community Plan and directly meets a number of the Community Plan goals and objectives. Objective 1-2 of the Community Plan is to "locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities." The Project will locate new housing in a manner accessible to services and facilities. The Conditional Use requested herein will further allow applicant to create a mix of uses to satisfy the needs of residents, current community members and visitors to Chinatown.

Further the applicant agrees that subsequent plan approvals will be sought prior to the establishment of any venue featuring dancing, and thus, the City Zoning Administrator will have the opportunity to ensure that each establishment operates in a manner that is not detrimental to the character of the neighborhood.

*D. The proposed use will not adversely affect the economic welfare of the pertinent community.*

The broad range of services, retail opportunities and entertainment options, such as dancing, will draw community members as well as visitors from surrounding areas within the City to the project and to Chinatown as a whole. The added visitors to the community will stimulate additional economic activity thereby benefiting the overall commercial businesses. As dancing is often a customary and incidental use to a bar/lounge and special events uses, the requested Conditional Use will ensure that the applicant creates a project which meets the expectations and wishes of the community in terms of entertainment, and thus will be sustainable and profitable. Further beneficial use of the proposed project will be the creation of numerous employment opportunities.

*E. The Conditional Use will not result in or contribute to an undue concentration of such Dancing establishments in the area.*

The requested Conditional Use will not result in or contribute to an undue concentration of establishments in the area that feature dancing. Additionally, as dancing is an incidental use to lounge and special events uses, as discussed above, the requested Conditional Use for alcohol will ensure that the applicant creates a project which meets the expectations, wishes, and needs of the community and will not contribute to an undue concentration of similar establishments in the area. Granting of the requested Conditional Use for alcohol sales, will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages in the area of the City involved. According to Alcoholic Beverage Control records, in Census Tract 2060.10 there are currently one off-site and seven on-site licenses in the Census Tract, not considered an undue concentration.

*F. The proposed use will not determinately affect nearby residentially zoned property or other sensitive uses such as hospitals, schools, churches or public playgrounds.*

The uses proposed on the project site, including the Conditional Use requested herein, will not detrimentally affect nearby residentially-zoned property. While there are residential uses near and on the project site, development of the currently underutilized site will be beneficial to such uses. Development of the project will provide additional housing as well as needed services such as retail and restaurant uses for the existing nearby residential areas. The project will seek to provide a mix of uses that will meet the needs of the surrounding community and encourage the development of pedestrian districts and minimize the need for the use of private transportation. To provide an attractive range of retail opportunities for the community and visitors, the applicant has requested a Conditional Use to allow dancing in two venues. Dancing is customary and incidental to other commercial uses and as such granting of this request will help to create a well-rounded mixed-use development. In addition, dancing in the plaza during special events is necessary during certain cultural and ethnic events that are on going in the Chinatown community.

**9. Shared Parking.** Pursuant to Section 12.24.X.20 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice and that the action will be in substantial compliance with the General Plan. Indicate how a lower total number of parking spaces will provide adequate parking for the uses on the site.

The shared parking will allow a lower total number of parking spaces to be provided for the proposed project and still provide adequate parking for the uses on the site. It is anticipated that a significant number of local residents and visitors will utilize the Gold Line as their primary source of transportation thereby minimizing the amount of parking needed at the project site. The project's design creates a visual and physical connection to the Gold Line Station, thereby making use of the Gold Line convenient. The proximity to the Gold Line Station will increase the use of public transportation and minimize the need for parking at the site. The applicant has provided traffic and parking studies in order to understand the parking needs for the project.

The shared parking analysis for the project was prepared according to the Urban Land Institute methodology, routinely accepted by the City for shared parking analyses. By providing the reduced amount of parking using a shared parking approach, the project will adequately meet the parking needs of residents and visitors.

The combined retail, restaurant, and residential parking for the proposed project would require 448 spaces based on Code requirements. A total of 372 spaces are proposed to be provided on-site. Of this total number of spaces to be provided on-site, a minimum of 197 parking spaces would be dedicated for the residential units (one space per unit) and the remainder (175 spaces) will be shared by the retail and restaurant uses and for general public parking. It is reasonable that in a mixed-use development, not all of the parking spaces will be utilized a full 100% at any given time. Sharing parking spaces in a mixed-use development in a pedestrian oriented neighborhood is appropriate since the parking requirements that are normally required for a stand alone development on a typical street is not the situation at this site. Based on the shared parking approach, the demand for parking spaces for the general public during the peak hour would be met after the peak shared demands of the project's retail and restaurant uses.

**10. Reduction of Commercial Off-street Parking.** Section 12.24(Y) of the LAMC allows for a 10 percent reduction in required off-street parking for commercial uses within 1,500 feet of a fixed rail transit portal. The project is within the Chinatown Redevelopment Area and is adjacent to and integrated with the Gold Line Station which abuts the project site. Therefore, the Project qualifies for the parking reductions contemplated in LAMC Sections 12.21.A4(x)(3)1 and 12.24(Y). As applied to the Project, the authorized reduction would consist of a reduction of 8 parking spaces (or 10 percent of 80) from the required off-street parking spaces for commercial uses.

A. *The action shall be in conformity with the public necessity, convenience, general welfare and good zoning practice.*

The requested commercial parking reduction will be in conformity with the public necessity, convenience, general welfare and good zoning practice. The proposed project will provide needed housing, retail, and restaurant uses to the community while positively contributing to the cultural wealth of the neighborhood. The project includes both moderate income housing set-asides as well as workforce housing set-asides.

In addition, due to the project's proximity and physical connection with the Gold Line Station, a significant portion of residents and visitors will utilize the Gold Line as their primary source of transportation. Locating residential and commercial uses near public transit is of benefit to the entire City as it increases transit ridership while decreasing traffic congestion and related environmental impacts. Location of new development near public transit stations is also consistent with the City's intent to locate new development near public transportation in order to reduce required parking and encourage the use of public transportation. One of the goals of the General Plan Framework is for "Transit Stations to function as a primary focal point of the City's development." Development of the project meets this goal. The proposed project has been designed to create a physical connection to the Gold Line Station, making it a focal point of the project. The applicant has sought the input of the community to better understand its needs. The community expressed a need for housing and basic retail services as well as commercial uses that encourage people to stay in the community at night time, and a development that will foster improved pedestrian traffic and promote ridership for the Gold Line Station. The project will provide needed housing and the commercial uses, including the bicycle shop, will serve the Chinatown community members who will access such retail uses by foot, bicycle or via public transit. Consequently, the reduced commercial parking required herein adequately serves the needs of the project.

- B. That the action will be in substantial conformance with the various elements and objectives of the General Plan.*

The granting of the parking reduction will be in substantial conformance with the various elements, goals and objectives of the Community Plan. Generally, the Community Plan encourages mixed-use development near public transit in order to reduce vehicular traffic and promote the use of public transportation. This is exemplified in Objective 1-2 of the Community Plan, which is to "locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities," this objective is linked to Community Plan Policy 1-2.1 which is to "encourage multiple residential development in commercial zones." The proposed project will locate housing in a generally commercial zone and in a manner that reduces vehicular trips, provides direct access to service facilities and promotes the use of public transportation. The proposed project will provide needed housing near existing commercial uses, while preserving the character of the community. Because the project site is located immediately adjacent to the Gold Line Station and will provide a wide range of retail and restaurant uses for visitor and local residents, there will be less need to utilize private transportation, thereby reducing vehicular trips. The parking reduction will allow applicant to maximize use of the project site by providing a pedestrian-oriented environment. Due to the grade differential of the site, a greater amount of parking spaces cannot be provided without sacrificing open space, pedestrian accessibility and convenient connection to the Gold Line Station. Therefore, granting of the parking reduction is consistent with the various elements and objectives of the Community Plan.

- C. Are there commercial or industrial buildings located on a lot not more than 1500 feet distant from the portal of a fixed rail transit station or bus station or other similar transit facility?*

The project is adjacent to the Gold Line Station and provides a direct physical link between the Gold Line Station and the project.

- D. That the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the lot.*

The area surrounding the project site will not be adversely affected by an overflow parking or traffic congestion from the lot as a result of the commercial parking reduction requested herein. The commercial uses proposed will be primarily project-serving rather than regional destinations. It is anticipated that such commercial uses will create no detrimental impact on traffic or parking. These uses will be used primarily by community members who will access such uses by foot, bicycle or public transportation. Further, the site is located adjacent to the Gold Line Station and its design fosters the use of public transportation. The project is physically linked to the Gold Line Station by way of a pedestrian link from Broadway. The surrounding area will benefit from all the positive factors the project will contribute to the community. The project will provide residential, retail, and restaurant uses all within a pedestrian-friendly environment. The Gold Line Station will provide a convenient and fast method of transportation, and because the commercial uses are project-serving rather than regional destinations, it is anticipated that the project will not create parking or traffic overflow or congestion.

- E. That the reduction will not otherwise be materially detrimental to the public welfare or injurious to the properties or improvements in the surrounding area.*

The granting of the commercial parking reduction requested herein will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone and vicinity in which the project site is located. The project will be beneficial to the public welfare and to the property and improvements in the same zone and vicinity. The

project will provide additional housing into the community as well as provide for a large open space plaza to be used by the community.

The reduction will not be detrimental because the proposed project will provide a direct connection to public transportation, thereby increasing use of public transportation and decreasing the need for public parking. In addition, the commercial uses to be provided will be designed to serve the every-day needs of the community. If the parking reduction is granted, the applicant will be able to utilize space, which would have otherwise been used to provide parking, for the purpose of creating a pedestrian friendly environment that is welcoming to the community. In addition, the significant grade differential and the irregular shape of the project site make provision of additional parking spaces difficult. In order to meet the City's need to provide public parking and access to public transportation at the project site while preserving pedestrian accessibility, the parking reduction is essential.

**11. Environmental Findings.** A Mitigated Negative Declaration, ENV 2004-4140-MND and Addendum, was prepared for the proposed project and has previously been adopted by the City Council. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.

Since July 2005, the Applicant and the City have been working together to revise the project to address both public funding shortfalls and site constraints. Value engineering methodologies and approaches were utilized and the project design was updated. One major area of revision was to avoid subterranean parking on the East Parcel. The effect of this was to reduce the amount of public parking. In addition, the cultural center was eliminated from the project due to cost constraints and community concern that the cultural center was too small. Instead, a larger outdoor Cultural Plaza was incorporated into the project that further emphasizes the transit-oriented elements of the project. Additionally, the residential density was reduced from 262 units to 169 units because the cost of subterranean parking on the West Parcel prevents—at this time—a parking structure that could accommodate the maximum permitted density of 210 residential units parked at 1 space per unit.

The total project envelope has been reduced as compared to the June 2005 project by 25%. The footprint for the building abutting College Street has also been reduced substantially and the Cultural Plaza expanded toward College Street. The proposed Project also does not raise any new impacts that were not raised and analyzed in the MND Addendum.

The proposed updates to the Project do not constitute a new project. No new land uses are proposed. The location of land uses on the Project site is unchanged from the previous project iteration considered in the MND Addendum. Most importantly, the density and intensity of uses in the current Project have been reduced overall compared to project analyzed in the MND Addendum.

The City and the CRA have reconsidered the MND Addendum as the proper CEQA-compliance document for the current Project. On or about January 18, 2007, the CRA, acting as a Responsible Agency pursuant to CEQA, adopted a CEQA resolution and findings ("CEQA Resolution & Findings"). The CRA's CEQA Resolution & Findings adopted the necessary findings and found that the Addendum to the Blossom Plaza MND complied with CEQA and set forth mitigation measures in a Mitigation Monitoring and Reporting Program. On January 31, 2007 the City Council, as the Lead Agency under CEQA, adopted the MND Addendum.

## **PUBLIC HEARING AND COMMUNICATIONS**

### **Summary of Public Hearing Testimony and Communications Received**

The Public Hearing on this matter was held at Los Angeles City Hall, 200 North Spring Street, Room 1020, Los Angeles, CA 90012 on Friday, July 20, 2007, at 10:00 AM.

1. 25 people attended.
2. Eight Speakers: The Councilman for the First District spoke in support of the project. A police Sergeant from LAPD spoke in opposition to the selling of off-site alcohol sales however if approved asked that the applicant work with LAPD to address concerns. Two people spoke in opposition to the residential parking reduction. Others spoke in support of the project although some reminded the audience that a Cultural Center is still needed in the community and the proposed Cultural Plaza does not replace the Center. Other general comments included the off-site sale of alcohol be an upscale market and not just a liquor store, and that this project will be a catalyst for future growth in Chinatown.

### **Communications Received**

Letters: One letter was received expressing general concerns about the project including parking, conditional use for alcohol and dancing, noise, litter, and security. Although not necessarily opposed to the project, the letter did request that the project be conditioned to address these issues. The letter also expressed concerns that the applicant did not do adequate community outreach.