

VESTING TENTATIVE TRACT MAP NO. 66352 (stamped map dated July 11, 2007)

HEARING DATE: September 26, 2007

### PLANNING DEPARTMENT STAFF REPORT

PURSUANT TO ORDINANCE NO. 164,845, IF A CERTIFICATE OF POSTING HAS NOT BEEN SUBMITTED BEFORE THE DATE OF THE PUBLIC HEARING, IT MUST BE PRESENTED AT THE HEARING, OR THE CASE MUST BE CONTINUED.

#### REQUEST

Vesting Tentative Tract Map to permit a merger and resubdivision of 46 lots into 14 lots (5 ground lots and 9 airspace lots) on a 267,503 net square-foot site in the C2-4D Zone, including a haul route approval. The subject Phase I will consist of a 33-story, 343-foot tall tower with 351 residential condominium units and 7,492 square feet of ground floor retail use with a total of 535 parking spaces. The site address for the subject property is 899 South Francisco Street in the Central City Community Plan area.

#### RELEVANT CASES

##### ON-SITE:

*ZA-2006-3449-ZV-ZAA-SPR.* A concurrent request for Zoning Administrator Adjustments to permit a reduced northerly side yard setback of zero feet in lieu of the required 16 feet; to permit a 10,493 square feet of open space to be provided in the required side yard; to permit 40 on-site trees in lieu of the required 88 trees; and Site Plan Review for the subject site.

*CPC-2006-1816-DA-TDR.* A request to amend the previously approved Development Agreement and permit the transfer of floor area up to a 10:1 FAR for a four-phase office/retail/hotel/residential project containing approximately 2,751,510 million square feet of floor area with 6 levels of above-ground parking for the subject site.

*Ordinance No. 168,318.* On November 5, 1992, the City Council approved the original Metropolis Development Agreement.

*CPC-1990-0114-TDR.* On August 24, 1990, the City Council approved the original transfer of floor area ratio for the proposed mixed use development, of approximately 2,351,000 square feet.

##### OFF-SITE:

*Ordinance No. 174,224 and amended by Ordinance No. 178,134.* Los Angeles Sports and Entertainment District Specific Plan.

#### PUBLIC RESPONSES

No letters have been received from the public.

### GENERAL COMMENTS

The subject site consists of a level, rectangular-shaped lot totaling 267,503 net square-foot site (6.14 net acres) in the C2-4D Zone and designated as Regional Center Commercial land use within the Financial Core District in the Central City Community Plan area. The site encompasses a full city block and abuts the Harbor Freeway to the west. Contemporary high rise office buildings dominate the landscape in the Financial Core District. Among the most prominent are Library Tower, Citicorp Center, the Gas Company Tower, the AT&T Building and the twin towers of Arco Plaza. The proposed mixed-use development is consistent with the objective to maintain the Financial Core District as the premier and most dense location for commercial office space, hotels, and retail in the City as well as a source of employment opportunities for residents, adjacent neighborhoods, and the region.

The property to the north, across 8<sup>th</sup> Street, is developed with the high-rise Ernst & Young Plaza and the 7<sup>th</sup> & Fig Shopping Center. Properties to the east are developed with a surface lot and the 801 Fig building. Properties to the south are developed with smaller commercial buildings and surface parking lots. Further south of Olympic Boulevard is located the newly developing Los Angeles Sports and Entertainment District, commonly known as L.A. Live. The Project Site's C2-4D zoning applies to all surrounding properties, other than the freeway right of way, which are also designated for Regional Center Commercial land use. The Project Site is located within the Central Business District Redevelopment Project area.

The applicant is requesting a merger and resubdivision of 46 existing lots into 14 lots (5 ground lots and 9 airspace lots). Although the tract map consists of the site for the entire four-phased project, only the number of dwelling units and retail square footage for Phase I is included as part of this tract map. The remaining phases have yet to be finalized.

Phase 1 of the Metropolis Project consists of 79,913 square feet of lot area (before dedications) on the southwesterly side of the project site at the corner of James M. Wood Boulevard (formerly 9th Street) and Francisco Street. This phase is a mixed-use development for a 33-story, 343-foot high residential condominium tower integrated with a 5-level parking podium and a 6th level roof top recreational, open space amenity deck. The proposed residential tower consists of 351 condominium units on 32 floors and one ground floor level of commercial retail space (approximately 7,492 square feet).

At full build-out, the Metropolis Mixed-use project proposes approximately 3.275 million gross square feet of residential, office, hotel and retail uses in four high rise buildings with associated parking and open space, the components of which include the following to be built over four phases: up to 836 residential units; up to 480 hotel rooms; up to 48,949

square feet of retail uses; and up to 1,007,056 square feet of office uses. The CRA has approved a transfer of floor area to permit the overall amount of development proposed by the Project at a floor area ratio (FAR) of 10:1, although Phase 1 of the Project is proposed at an FAR of 6:1 and will not require any transfer of floor area. An application for an amended Development Agreement and Transfer of Development Rights has been filed under Case No. CPC 2006-1816-DA-TDR for the transfer of floor area up to a 10:1 FAR.

For Phase I, the proposed project will provide 527 residential parking spaces, providing a minimum of 1.5 residential parking spaces per dwelling unit. This exceeds the required 393 residential parking spaces by 134 spaces pursuant to LAMC Section 12.21-A,4(p) (Parking Exception for Central City Area), which requires one parking space for every dwelling unit of up to three habitable rooms and 1.25 parking spaces for every dwelling unit of more than three habitable rooms. The project will also include 8 parking spaces designated for the commercial/retail use, which does not require any spaces for commercial uses less than 7,500 gross square feet within the Parking Exception area for the Downtown Business District (LAMC Section 12.21-A,4(i)).

The project engineer has certified that the subject site is not located within a special hazard, hillside, floodway or mud-prone area. The engineer has also certified that there are no oak trees or other protected trees on the site.

### REPORTS RECEIVED

**BUREAU OF ENGINEERING:** Reports that the Tract Map layout is satisfactory as submitted and recommends approval subject to conditions pertaining to dedications and improvements along 8<sup>th</sup> Street, James M. Wood Boulevard and Francisco Street in a memo dated July 6, 2006. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION:** Tentatively approves subject to conditions stated in the memo dated February 13, 2007. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION:** A clearance letter will be issued stating that no Building and Zoning Code violations exist on the subject site once the items identified in the memo dated August 1, 2007 have been satisfied. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

**DEPARTMENT OF TRANSPORTATION:** Recommends that the project be subject to conditions stated in the memo dated June 20, 2006. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

**FIRE DEPARTMENT:** Recommends that the project be subject to conditions stated in the

memo dated May 24, 2006. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

LOS ANGELES UNIFIED SCHOOL DISTRICT: No comments were available at the writing of the staff report.

DEPARTMENT OF WATER AND POWER: Reports that this tract can be supplied with water from the municipal system subject to LADWP=s Water Services Organization=s rules and requirements.

BUREAU OF STREET LIGHTING: No comments were available at the writing of the staff report.

BUREAU OF SANITATION: No comments were available at the writing of the staff report.

### ENVIRONMENTAL CLEARANCE

The Project was originally the subject of a Certified EIR (SCH # 88062220; CRA Resolution No. 4066, October 18, 1989). On February 15, 1990, the CRA adopted CEQA Findings and a Statement of Overriding Considerations, in connection with its approval of a Transfer of Development Rights Plan. On August 3, 2000 the CRA approved the First Addendum to the 1989 Certified EIR. A Second Addendum to the 1989 Certified EIR was certified by the CRA on October 6, 2005. A Final SEIR, dated January 2007, was prepared as a supplement to the 1989 Certified EIR (as modified and updated by the First Addendum and Second Addendum) to analyze the impacts of the Project, as modified in 2005, on police services. On February 15, 2007, the CRA certified the Final SEIR. On September 20, 2007, the CRA will consider the adoption of the Third Addendum to the Certified EIR to analyze whether the modifications to Phase I of the Project could result in any of the circumstances requiring that a subsequent or supplemental EIR be prepared. The CRA will also approve the Findings and a Statement of Overriding Considerations and a Mitigation Monitoring Program for the Addendum documents of the 1989 Certified EIR. See **Draft Tentative Tract Report with Conditions**.

### TENANTS

The subdivider is not required to provide a list of tenants. The site is currently improved with a surface parking lot.

STAFF RECOMMENDATIONS

The Planning Department staff recommends approval of Vesting Tentative Tract Map No. 66352 subject to the standard conditions and the additional conditions in the **Draft Tentative Tract Report with Conditions.**

Prepared by:

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**Note:** Recommendation does not constitute a decision. Changes may be made by the Advisory Agency at the time of the public hearing.

**DRAFT TENTATIVE TRACT REPORT WITH CONDITIONS**

In accordance with provisions of Section 17.03 of the Los Angeles Municipal Code (LAMC), the Advisory Agency approved Vesting Tentative Tract Map No. 66352 composed of 14 lots, located at 830 South Flower Street for a new maximum **351-unit residential condominium and 7,492 square feet of commercial use** as shown on revised map stamp-dated July 11, 2007 in the Central City Community Plan. This unit density is based on the C2-4D Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Advisory Agency or a City Planner call (213) 473-9984. The Advisory Agency's approval is subject to the following conditions:

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

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. That a 2-foot wide strip of land be dedicated along 8<sup>th</sup> Street adjoining the subdivision to complete a 45-foot wide half right-of-way dedication in accordance with Secondary Highway Standards, including a 20-foot radius property line return at the intersection with Francisco Street all satisfactory to the City Engineer.
2. That a 10-foot wide and variable width strip of land be dedicated along James M. Wood Boulevard adjoining the subdivision to complete a 45-foot wide half right-of-way dedication in accordance with Secondary Highway Standards, including a 20-foot radius property line return at the intersection with Francisco Street all satisfactory to the City Engineer.
3. That the portion of Francisco Street vacation by Resolution to Vacate No. 02-1400116 and recorded as Document No. 02-1921134 adjacent to proposed Lots 1 and 10 be dedicated as public street substantially as shown on the tentative map.
4. That Board of Public Works approval be obtained, prior to the recordation of the final map, the removal of any tree in the existing or proposed right-of-way area associated with improvement requirements outlined herein. The Bureau of Street Services, Urban Forestry Division, is the lead agency for obtaining Board of Public Works approval for removal of such trees.
5. That any existing public utility easements within the subdivision be delineated on the final map satisfactory to the City Engineer.

6. That the final map be approved by the State Department of Transportation with respect to the alignment of the Harbor Freeway. Four copies of the final map shall be submitted to the City Engineer's Office for the States' approval prior to the recordation of the final map.
7. That necessary arrangements be made with the State Department of Transportation prior to recordation of the final map for any necessary permits with respect to any construction and drainage discharge within or adjacent to the Harbor Freeway right-of-way.
8. That a set of drawings be submitted to the City Engineer showing the followings (for airspace subdivision only):
  - a. Plan view at different elevations.
  - b. Isometric views.
  - c. Elevations views.
  - d. Section cuts at all locations where air space lot boundaries change.
  - e. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary easements for ingress, egress and public facilities over private easements or other entitlements to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in a safe condition for vehicular or pedestrian use at all times.
9. That the existing future street and sidewalk easements along 8<sup>th</sup> Street and Francisco Street adjoining the tract be accepted by a suitable resolution.
10. That a Covenant and Agreement be recorded satisfactory to the City Engineer binding the subdivider and all successors to the following:
  - a. That the owners shall be required to maintain all elements of the structure below the limited street right-of-way of Francisco Street in a safe and usable condition to the satisfaction of the City Engineer. The City shall be given reasonable access to the structure within and adjacent to the limited street rights-of-way area for any necessary inspection, upon request during normal business hours. The City may request the owners to repair or replace damaged, defective or unsafe structural elements or to correct unacceptable conditions at the owner's expense if owner elects not to do so. Owner shall grant reasonable access to City's contractor to make said repairs.

- b. The owner shall be required to limit use and occupancy of the structures below the limited street rights-of-way of Francisco Street to parking of vehicles.
  - c. The owners shall obtain a B-permit from the City Engineer for any substantial structural modification below the street right-of-way area and for any structural modification areas and for any structural element outside said areas which provides lateral or vertical support to structures within the areas.
11. That the subdivider execute and record an agreement satisfactory to the City Engineer to waive any right to make or prosecute any claims or demands against the City for any damage that may occur to the proposed parking structure underneath the limited street easements of Francisco Street in connection with the use, connection and maintenance operations within said street easement.

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

12. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter dated February 13, 2007, Log No. 56647 and attached to the case file for Tract No. 66352.

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

13. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
- a. Provide a copy of D condition(s). Show compliance with the above condition(s) as applicable or Department of City Planning approval is required.
  - b. Provide a copy of affidavit AFF-1158, AFF-26935, AFF-39972, AFF-91-1195674-LT and AFF-54198. Show compliance with all the conditions/requirements of the above affidavits as applicable. Termination of above affidavit(s) may be required after map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
  - c. Provide a copy of ZA case ZA-2006-3449-ZV-ZAA-SPR. Show compliance with all the conditions/requirements of the ZA case(s) as applicable.
  - d. Provide a copy of CPC case CPC-2006-1816-DA-TDR. Show compliance



with all the conditions/requirements of the CPC case(s) as applicable.

- e. Provide a copy of the application or resolution for street vacation. The street vacation shall be completed prior to or concurrently with the map recording.
- f. Show all street dedication(s) as required by Bureau of Engineering (and provide net lot area after all dedication). "Area" requirements shall be re-checked as per net lot area after street dedication.
- g. Submit a revised map that dimensions each air space lot with a finite width, length, and upper and lower elevations. The final map shall be based upon a site plan which accurately describes the location of such lots.
- h. Record a Covenant and Agreement to treat the buildings and structures located in an air space subdivision as if they were within a single lot.

Note: Each air space lot shall have access to a street by one or more easements or other entitlements to use in a form satisfactory to the Advisory Agency and the City Engineer.

- i. The existing or proposed building plans have not been checked for and shall comply with Building or Zoning Code requirements. Any vested approvals for parking layouts, open space, required yards or building height, shall be "to the satisfaction of the Department of Building and Safety at the time of Plan Check."
- j. If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the map.

#### **DEPARTMENT OF TRANSPORTATION**

- 14. That prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
  - a. A parking area and driveway plan be submitted to the Citywide Planning Coordination of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street, Suite 400, Station 3.

#### **FIRE DEPARTMENT**

- 15. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the

following:

- a. Submit plot plans for Fire Department approval and review prior to recordation of Tract Map Action.
- b. Submit plot plans indicating access road and turning area for Fire Department approval.
- c. In order to mitigate the inadequacy of fire protection in travel distance, sprinkler systems shall be required throughout any structure to be built, in accordance with the Los Angeles Municipal Code, Section 57.09.07.
- d. Adequate public and private fire hydrants shall be required.
- e. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- f. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

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

16. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

#### **BUREAU OF STREET LIGHTING**

17. Street light improvements shall be made to the satisfaction of the Bureau of Street Lighting and/or the following street lighting improvements shall be required. (This condition shall be deemed cleared at the time the City Engineer clears Condition S-3. (c).)

#### **BUREAU OF SANITATION**

18. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared

at the time the City Engineer clears Condition No. S-1. (d.)

### **INFORMATION TECHNOLOGY AGENCY**

19. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12<sup>th</sup> Floor, Los Angeles, CA 90012, (213) 922-8363.

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

20. That the Quimby fee be based on the C2 Zone.

### **URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING**

21. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

Replacement by a minimum of 24-inch box trees in the parkway and on the site of the one (1) trees to be removed, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Advisory Agency. (MM)  
**Note:** Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

### **DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS**

22. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
  - a. Limit the proposed development to a maximum of 351 dwelling units and 7,492 square feet of commercial use.
  - b. Provide a minimum of 1.5 covered off-street parking spaces per dwelling unit.

All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety. If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces shall be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- c. The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 8 or better in order to reduce the effects of diminished air quality on the occupants of the project.
  - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - e. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
  - g. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
23. That prior to the issuance of the building permit or the recordation of the final map, a copy of the ZA-2006-3449-ZV-ZAA-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that ZA-2006-3449-ZV-ZAA-SPR is not approved, the subdivider shall submit a tract modification.
24. That the subdivider shall make suitable arrangements for clearance with the Community Redevelopment Agency for the Central Business District (CBD) Redevelopment Project area.
25. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:

- a. Streets to be used are limited to 8<sup>th</sup> Street, 9<sup>th</sup> Street, Francisco Street, {110} Fwy, {10} Fwy and {60} Fwy.
- b. Hours of operation shall be from 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- c. Days of the week shall be Monday through Saturday.
- d. Trucks shall be restricted to 10-wheel dump trucks or smaller.
- e. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).
- f. Streets shall be cleaned of spilled materials at the termination of each work day.
- g. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
- h. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- i. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
- j. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- k. All trucks are to be watered at the job site to prevent excessive blowing dirt.
- l. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
- m. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.
- n. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
- o. "Truck Crossing" warning signs shall be placed 300 feet in advance of the

- exit in each direction.
- p. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."
  - q. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.
  - r. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.
  - s. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.
  - t. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 201 N. Figueroa Street, Room 770, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213. 977.6039.

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

- 26. That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 27, 28 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
- 27. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

#### **CULTURAL RESOURCES**

- MM-1. If a paleontological resource is unexpectedly discovered during excavation-related activities by construction personnel, a qualified paleontologist shall be notified of the unanticipated paleontological discovery. In the event of an unanticipated discovery of a true or trace fossil remain during associated excavation, excavation and/or grading activities within a 100-foot radius of the find shall be temporarily halted or diverted until the discovery is examined by the Project paleontologist. The paleontologist shall notify the appropriate agencies to the location of the find. Significant fossils shall be salvaged through a program of excavation, analysis, and documentation. Fossil remains collected during the salvage program shall be cleaned, sorted, catalogued, and then deposited in a public, non-profit institution with research interests in the materials.

Enforcement Agency: Los Angeles Department of City Planning

Monitoring Agency: Los Angeles Department of City Planning

Monitoring Phase: Construction

Monitoring Frequency: As needed during construction

Action Indicating Compliance with Mitigation Measure(s): If no paleontological resources are found, monthly compliance report submitted by Contractor; if vertebrate fossil resources are found, completion of mitigation plan(s) by a paleontologist to satisfaction of CRA.

## GEOLOGY/SOILS

- MM-2. The existing geotechnical investigation of the Project site shall be augmented as necessary to identify definitive engineering and design specifications appropriate to the project as proposed in the subject geotechnical context, to the satisfaction of the City Geologist.

Enforcement Agency: CRA; City of Los Angeles Department of Building and Safety

Monitoring Agency: CRA; City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Ongoing during construction

Action Indicating Compliance with Mitigation Measure(s): Monthly compliance report submitted by contractor; periodic field inspection sign-off.

## HAZARDOUS MATERIALS

- MM-3. Construction contracts shall include provisions requiring continuous compliance with all applicable federal, state, and local government regulations and conditions related to hazardous materials and waste management.

Enforcement Agency: CRA; City of Los Angeles Department of Building and

Safety

Monitoring Agency: CRA; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once prior to construction

Action Indicating Compliance with Mitigation Measure(s): Confirmation of contract provisions regarding hazardous materials and waste management prior to issuance of grading permit

- MM-4. Use non-toxic or less toxic substances in project construction or operation, where possible.

Enforcement Agency: CRA; City of Los Angeles Department of Building and Safety

Monitoring Agency: CRA; City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction; Operation

Monitoring Frequency: Ongoing during construction and operation

Action Indicating Compliance with Mitigation Measure(s): Monthly compliance reports submitted by Contractor during construction; Annual compliance reports submitted by Applicant during operation

- MM-5. During subsurface excavation activities, including borings, trenching, and grading, applicable worker safety measures shall be implemented as required to preclude an exposure to unsafe levels of methane and hydrogen sulfide. If evidence of methane or hydrogen sulfide is found, immediate steps shall be taken to comply with applicable provisions in the Los Angeles Municipal Code and other practices and requirements of the Los Angeles Department of Building and Safety and the Los Angeles Fire Department.

Enforcement Agency: CRA; Los Angeles Department of Building and Safety

Monitoring Agency: CRA; Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Ongoing during construction

Action Indicating Compliance with Mitigation Measure(s): Monthly compliance report submitted by contractor

- MM-6. Any contaminated soil, groundwater and/or toxic materials removed during excavation and grading shall be evaluated and excavated/disposed of, treated in-situ (in-place), or otherwise managed in accordance with applicable regulatory requirements. If contamination is discovered during grading activities, grading within such an area shall be temporarily halted and redirected around the area until the appropriate evaluation and remediation measures are implemented so that the site is cleaned up to safe levels.



Enforcement Agency: Los Angeles Department of Building and Safety  
Monitoring Agency: Los Angeles Department of Building and Safety; Regional Water Quality Control Board; California Department of Toxic Substances Control  
Monitoring Phase: Construction  
Monitoring Frequency: As needed during construction  
Action Indicating Compliance with Mitigation Measure(s): Confirmation of compliance with any hazardous materials remediation requirements consistent with applicable regulations prior to grading or issuance of building permit

- MM-7. Any USTs, if encountered during excavation activities, shall be removed in accordance to LAFD and RWQCB regulations.

Enforcement Agency: Los Angeles Fire Department  
Monitoring Agency: CRA; Los Angeles Fire Department; Regional Water Quality Control Board  
Monitoring Phase: Construction  
Monitoring Frequency: As needed during construction  
Action Indicating Compliance with Mitigation Measure(s): If UST's are encountered, removal in accordance with applicable regulations shall be confirmed by LAFD prior to issuance of building permit

- MM-8. Additional assessment of fuel related constituents present in on-site subsurface soils shall be conducted prior to issuance of grading permits, pursuant to applicable standards to evaluate the potential for health risk and the need for remediation. If remediation is required the lead agency(ies) with jurisdiction shall be notified and immediate and effective measures shall be taken to ensure the health and safety of the public and workers, and to protect the environment. Remediation shall be completed in accordance with applicable requirements to the satisfaction of the agency(ies) with jurisdiction.

Enforcement Agency: Los Angeles Department of Building and Safety  
Monitoring Agency: Los Angeles Department of Building and Safety; Regional Water Quality Control Board; California Department of Toxic Substances Control  
Monitoring Phase: Construction  
Monitoring Frequency: As needed during construction  
Action Indicating Compliance with Mitigation Measure(s): Confirmation of compliance with any hazardous materials remediation requirements consistent with applicable regulations prior to grading or issuance of building permit

## POPULATION/HOUSING

MM-9. To the extent that there is a transfer of floor area ratio (TFAR), a portion of the money from the sale of TFAR would be put in a housing trust fund. Payment of Replacement Housing Plan fees governing replacement housing for the project site shall occur.

Enforcement Agency: CRA

Monitoring Agency: CRA

Monitoring Phase: Post-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Approval of TFAR sale

## PUBLIC SERVICES

MM-10. The applicant shall consult with the LAFD during project design and prior to initial occupancy of the building to discuss such features as emergency access to the site.

Enforcement Agency: Los Angeles Fire Department

Monitoring Agency: Los Angeles Fire Department

Monitoring Phase: Pre-construction; Post-Construction

Monitoring Frequency: Once at pre-construction and once at post-construction

Action Indicating Compliance with Mitigation Measure(s): Approval of emergency access and fire prevention features prior to approval of building permit or issuance of Certificate of Occupancy as applies

MM-11. Water system in the Project area shall be upgraded to provide a fire flow of 6,000 gpm with a residual pressure of 20 psi.

Enforcement Agency: Los Angeles Fire Department

Monitoring Agency: Los Angeles Fire Department; Los Angeles Department of Water and Power

Monitoring Phase: Post-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Approval of water system and fire flows prior to issuance of building permit or issuance of Certificate of Occupancy as applies

MM-12. Adequate off-site public and on-site private fire hydrants may be required. Their number and location are to be determined after the LAFD's review of the plot plan.

Enforcement Agency: Los Angeles Fire Department

Monitoring Agency: Los Angeles Fire Department

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Approval of fire hydrant numbers and locations prior to issuance of building permit

- MM-13. Submit plot plans that show the access road and the turning area for LAFD approval.

Enforcement Agency: Los Angeles Fire Department

Monitoring Agency: Los Angeles Fire Department

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Approval of circulation and access requirements by LAFD following plot plan review and prior to issuance of building permit

- MM-14. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan D-22549.

Enforcement Agency: Los Angeles Fire Department; Los Angeles Department of Public Works

Monitoring Agency: Los Angeles Fire Department; Los Angeles Department of Public Works

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Approval of street dimensions prior to issuance of building permit

- MM-15. Private roadings for general access use and fire lanes shall not have a width of less than 20 feet clear to the sky.

Enforcement Agency: Los Angeles Fire Department

Monitoring Agency: Los Angeles Fire Department

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Approval of street dimensions prior to issuance of building permit

- MM-16. All access roads, including fire lanes, shall be maintained in an unobstructed manner. Removal of obstructions shall be at the owner's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area, in accordance with Section 57.09.05 of the Los Angeles Municipal Code.

Enforcement Agency: Los Angeles Fire Department

Monitoring Agency: Los Angeles Fire Department

Monitoring Phase: Operation

Monitoring Frequency: Ongoing

Action Indicating Compliance with Mitigation Measure(s): Review of signage prior to issuance of Certificate of Occupancy and periodic monitoring of access roads and fire lanes by LAFD

- MM-17. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of LAFD aerial ladder apparatus or where fire hydrants are installed, those lane segments shall not be less than 28 feet in width.

Enforcement Agency: Los Angeles Fire Department

Monitoring Agency: Los Angeles Fire Department

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Approval of street dimensions prior to issuance of building permit

- MM-18. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

Enforcement Agency: Los Angeles Fire Department

Monitoring Agency: Los Angeles Fire Department

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): LAFD approval of building setbacks from roadways prior to issuance of building permit

- MM-19. Where access for a given development requires accommodation of LAFD apparatus, overhead clearance shall not be less than 14 feet.

Enforcement Agency: Los Angeles Fire Department

Monitoring Agency: Los Angeles Fire Department

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Approval of overhead clearance for LAFD apparatus prior to issuance of building permit

- MM-20. Access for LAFD apparatus and personnel to and into all structures shall be required.

Enforcement Agency: Los Angeles Fire Department

Monitoring Agency: Los Angeles Fire Department

Monitoring Phase: Pre-construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Approval of access for fire apparatus and personnel prior to issuance of building permit

- MM-21. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.  
Enforcement Agency: Los Angeles Fire Department  
Monitoring Agency: Los Angeles Fire Department  
Monitoring Phase: Pre-Construction  
Monitoring Frequency: Once  
Action Indicating Compliance with Mitigation Measure(s): Approval of final plans for roadway engineering requirements prior to issuance of building permit
- MM-22. The proposed project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the General Plan of the City of Los Angeles (C.P.C. 19708).  
Enforcement Agency: Los Angeles Fire Department  
Monitoring Agency: Los Angeles Fire Department  
Monitoring Phase: Pre-construction  
Monitoring Frequency: Once  
Action Indicating Compliance with Mitigation Measure(s): Confirmation of compliance with applicable fire prevention related codes, ordinances and guidelines prior to issuance of building permits or a Certificate of Occupancy as applicable.
- MM-23. The applicant shall consult with the Fire Department during project design about access to each of the sites in an emergency. Water system shall be upgraded, if necessary. Site shall conform to City requirements.  
Enforcement Agency: Los Angeles Fire Department  
Monitoring Agency: Los Angeles Fire Department  
Monitoring Phase: Pre-Construction  
Monitoring Frequency: Once  
Action Indicating Compliance with Mitigation Measure(s): Completion of consultation meeting(s) with LAFD regarding access and water system requirements prior to during project design
- MM-24. Definitive plans and specifications shall be submitted to the Los Angeles Fire Department and requirements for necessary permits satisfied prior to commencement of any portion of the proposed project.  
Enforcement Agency: Los Angeles Fire Department  
Monitoring Agency: Los Angeles Fire Department  
Monitoring Phase: Pre-Construction  
Monitoring Frequency: Once  
Action Indicating Compliance with Mitigation Measure(s): Completion of

consultation meeting(s) with LAFD regarding access and water system requirements prior to during project design

MM-25. The Security Master Plan for the Project (Appendix B of this DEIR), has been submitted to LAPD for review and approval. The LAPD will consider the Security Master Plan prior to the issuance of a certificate of occupancy for the first Development Phase. The primary goal and focus of the plan is to reduce the potential for on-site crime and the need for LAPD services. Prior to each subsequent Development Phase the Security Master Plan shall be modified and updated as needed based on more detailed plans and submitted to LAPD for approval in order to achieve this goal. The plan dictates the security services and features to be implemented, as determined in consultation with the LAPD. Features of the Security Master Plan shall include but not be limited to the following features:

- a. Provision of an on-site security force by phase with ten or more personnel per shift at buildout to monitor and patrol individual buildings, the parking structure and public and private open space areas. During operational hours, security officers shall perform pedestrian, vehicular, and/or bicycle patrols;
- b. Install closed-circuit television systems (CCTV) where appropriate throughout the Project site to help deter crime, record criminal behavior, and enable LAPD to respond in real time to incidents. CCTV will cover at a minimum all external doors, public lobbies, elevators, walkways and paths to buildings from the parking garage, public transportation, sidewalks, and to refuse and back of house service areas;
- c. A security monitoring facility shall be provided in each building to monitor CCTV cameras and as a location where alarms are initially transmitted to site security personnel or LAPD if appropriate. The monitoring facilities will be located at the security desks or central room within the residential, hotel, office and retail components of the Project;
- d. Security features shall be incorporated into the design of proposed parking facilities, including controlled access and CCTV to monitor all entrances and exits, provision of multiple emergency call locations visible from parking areas, effective "wayfinding" for motorists and pedestrians, uniform and ample lighting to avoid "spotters" for parking areas, and provision of security personnel to patrol the garage, ensuring sufficient parking on-site for building employees, residents

and anticipated patrons and visitors;

- e. Security lighting incorporating good illumination and minimum dead space in the design of entryways, seating areas, lobbies, elevators, service areas, and parking areas to eliminate potential areas of concealment. Security lighting shall incorporate full cutoff fixtures which minimize glare from the light source and provide light downward and inward to structures to maximize visibility;
- f. Provision of lockable doors at appropriate Project entryways, offices, retail stores, and restaurants with programmable controlled access card readers as appropriate;
- g. Installation of alarms at appropriate Project entryways and ancillary commercial structures;
- h. All businesses desiring to sell or allow consumption of alcoholic beverages are subject to the issuance of a Conditional Use Permit by the City;
- i. Accessibility for emergency service personnel and vehicles into each structure, and detailed diagram(s) of the Project site, including access routes, unit numbers, and any information that would facilitate police response shall be provided to the Central Area Commanding Officer.
- j. In addition, security procedures regarding initial response, investigation, detainment of crime suspects, LAPD notification, coordination with DCBID security patrols, and general public assistance shall be carried out pursuant to the Security Master Plan. The plan shall be subject to review by the LAPD, and any provisions pertaining to access would be subject to approval by the City of Los Angeles Department of Transportation.

Enforcement Agency: Los Angeles Police Department

Monitoring Agency: Los Angeles Police Department

Monitoring Phase: Post-Construction

Monitoring Frequency: Prior to each subsequent Development Phase

Action Indicating Compliance with Mitigation Measure(s): Review and approval of the Security Master Plan by LAPD prior to issuance of a Certificate of Occupancy for each Development Phase

- MM-26. Prior to the start of each Development Phase, the Applicant shall submit plot plans for all proposed development to the Los Angeles Police Department's Crime Prevention Section for review and comment. Security

features subsequently recommended by the LAPD shall be implemented by the Applicant to the extent feasible.

Enforcement Agency: Los Angeles Police Department

Monitoring Agency: Los Angeles Police Department

Monitoring Phase: Pre-Construction

Monitoring Frequency: Prior to the start of each Development Phase

Action Indicating Compliance with Mitigation Measure(s): Review and comment on plot plans prior to the start of each Development Phase by LAPD and incorporation of security features recommended by LAPD to the extent feasible prior to the issuance of building permits

- MM-27. At the completion of each Development Phase, the Applicant shall file as-built building plans with the LAPD Central Area Commanding Officer. Plans shall include access routes, floor plans, and any additional information that might facilitate prompt and efficient police response to the satisfaction of LAPD.

Enforcement Agency: Los Angeles Police Department

Monitoring Agency: Los Angeles Police Department

Monitoring Phase: Post-Construction

Monitoring Frequency: At the completion of each Development Phase

Action Indicating Compliance with Mitigation Measure(s): Filing of as-built building plans with the LAPD Central Area Commanding Officer at the completion of each Development Phase prior to issuance of Certificate of Occupancy

- MM-28. A landscape plan shall be prepared for the Project by a licensed landscape architect, licensed architect or landscape contractor. In addition to satisfying the requirements of the Planning Department, the plan shall achieve a performance standard for security of supporting natural surveillance and avoiding creation of potential hiding places for intruders or loiterers, particularly along walkways, close to parking structures, and where building doors or windows may be obscured. The landscape plan shall consider use of plant materials, such as bougainvillea and other prickly plants, to deter unauthorized access to buildings or hiding places. Benches and seating shall be designed to discourage their use for sleeping. LAPD shall review the landscape plan relative to the security performance standard, and revisions to the plan shall be made and subject to LAPD approval prior to the start of each Development Phase.

Enforcement Agency: Los Angeles Police Department

Monitoring Agency: Los Angeles Police Department

Monitoring Phase: Pre-Construction

Monitoring Frequency: Prior to the start of each Development Phase

Action Indicating Compliance with Mitigation Measure(s): Review and approval of landscape plan, relative to security features, by LAPD prior to



the issuance of a building permits for each Development Phase

- MM-29. A lighting plan shall be submitted to LAPD prior to the start of each Development Phase. In addition to demonstrating compliance with Los Angeles Municipal Code (LAMC), Chapter 1, Section 1.21 and Section 12.08, the lighting plan shall identify security related lighting on the Project site, including lighting in parking garages and common open space areas. The performance standard to be achieved for security lighting is the provision of good illumination throughout the site to eliminate dead space and areas of concealment in order to deter intruders and loiterers, and reduce the potential for crime. In addition to the buildings, the following areas shall be well lit: main site access, walkways, plaza areas, parking and loading areas, on-site roadways, refuse rooms/areas, public spaces and associated areas, and secluded areas where individuals may be tempted to loiter (such as load docks, side stairwells, and emergency exits). LAPD shall review the security lighting features of the lighting plan relative to the performance standard, and revisions to the lighting plan shall be made and subject to LAPD approval prior to the start of each Development Phase.
- Enforcement Agency: Los Angeles Police Department  
Monitoring Agency: Los Angeles Police Department  
Monitoring Phase: Pre-Construction  
Monitoring Frequency: Prior to the start of each Development Phase  
Action Indicating Compliance with Mitigation Measure(s): Review and approval of lighting plan, relative to security lighting, by LAPD prior to the issuance of a building permits for each Development Phase

#### TRANSPORTATION/TRAFFIC

- MM-30. Implement a comprehensive Transportation Demand Management (TDM)/Transportation Systems Management (TSM) for the office component of the project that would be designed to primarily reduce and manage employee commute-related trips in private vehicles (applies to office uses).
- Enforcement Agency: Los Angeles Department of Transportation; Los Angeles Department of Public Works  
Monitoring Agency: Los Angeles Department of Transportation; Los Angeles Department of Public Works  
Monitoring Phase: Post-Construction  
Monitoring Frequency: Once  
Action Indicating Compliance with Mitigation Measure(s): Issuance of first Certificate of Occupancy
- MM-31. Restripe James M. Wood Boulevard to provide one left-turn lane, one left-through shared lane, one through lane, one through/right shared lane and

one right-turn lane in the eastbound direction at Figueroa Street. (Applicable only with the reconfiguration of Figueroa Street).

Enforcement Agency: Los Angeles Department of Transportation; Los Angeles Department of Public Works

Monitoring Agency: Los Angeles Department of Transportation; Los Angeles Department of Public Works

Monitoring Phase: Post-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Issuance of first Certificate of Occupancy

MM-32. Dedicate, widen, and restripe Francisco Street to provide northbound triple left-turn lanes approaching Eighth Street.

- a. Provide up to a 4-foot dedication and a 4-foot widening along the west side of Francisco Street between Eighth Street and approximately 220 feet north of the James M. Wood Boulevard centerline.
- b. Between James M. Wood Boulevard and 220 feet northerly of the centerline, provide up to a 6-foot dedication and widening along the west side of Francisco Street to accommodate dual left-turns from the Harbor Freeway northbound off-ramp at James M. Wood Boulevard/ Ninth Street, one left-turn lane and one through lane in the southbound direction, and two through lanes in the northbound direction, assuming Francisco Street to the south is realigned.
- c. Provide up to a 4-foot dedication and widening along the west side of Francisco Street between Eighth Street and James M. Wood Boulevard.
- d. In addition, widen the east side of Francisco Street by 2 feet between Eighth Street and Eighth Place. The majority of Francisco Street between Eighth Street and James M. Wood Boulevard is expected to be striped to provide two lanes northbound, one lane southbound, and two-way left-turn channelization.

Enforcement Agency: Los Angeles Department of Transportation; Los Angeles Department of Public Works

Monitoring Agency: Los Angeles Department of Transportation; Los Angeles Department of Public Works

Monitoring Phase: Post-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Issuance of first Certificate of Occupancy

- MM-33. Provide a 5-foot dedication and a 7-foot widening along the south side of Eighth Street between Francisco Street and the western site boundary per the secondary highway standard.  
Enforcement Agency: Los Angeles Department of Transportation; Los Angeles Department of Public Works  
Monitoring Agency: Los Angeles Department of Transportation; Los Angeles Department of Public Works  
Monitoring Phase: Post-Construction  
Monitoring Frequency: Once  
Action Indicating Compliance with Mitigation Measure(s): Issuance of first Certificate of Occupancy
- MM-34. Provide up to an approximately 25-foot dedication along the north side of James M. Wood Boulevard between the Francisco Street centerline and approximately 233 feet westerly of the centerline to accommodate the widening of the Harbor Freeway northbound off-ramp at James M. Wood Boulevard/Ninth Street. The off-ramp widening is being constructed as part of a state-funded State Highway Operation and Protection Program (SHOPP 2004, PPNO 3344) highway safety and mobility improvement to the northbound Hollywood Freeway, generally between about 11th Street and Eighth Street.  
Enforcement Agency: Los Angeles Department of Transportation; Los Angeles Department of Public Works  
Monitoring Agency: Los Angeles Department of Transportation; Los Angeles Department of Public Works  
Monitoring Phase: Post-Construction  
Monitoring Frequency: Once  
Action Indicating Compliance with Mitigation Measure(s): Issuance of first Certificate of Occupancy

#### UTILITIES/SERVICE SYSTEMS

- MM-35. Expansion of the City's sewage collection lines between the Project site and a trunk line in Figueroa Street by the Project applicant shall be completed prior to connection of the Modified Project.  
Enforcement Agency: Los Angeles Department of Public Works  
Monitoring Agency: Los Angeles Department of Public Works  
Monitoring Phase: Post-Construction  
Monitoring Frequency: Once  
Action Indicating Compliance with Mitigation Measure(s): Completion of sewer connections to satisfaction of LADPW prior to issuance of Certificate of Occupancy

## OTHER TOPICS

- MM-36. Mitigation Measure Q-1: The project sponsor would conduct a wind tunnel test for the retail and later office phases prior to receiving a building permit. Results of the wind tunnel test would be submitted to the CRA. The wind tunnel test would determine likely ground level wind shear effects of the project. The project sponsor will implement mitigation measures, as feasible to reduce winds, based on such tests.  
Enforcement Agency: Los Angeles Department of Building and Safety; CRA  
Monitoring Agency: Los Angeles Department of Building and Safety; CRA  
Monitoring Phase: Pre-Construction  
Monitoring Frequency: Once  
Action Indicating Compliance with Mitigation Measure(s): Completion of wind tunnel test to satisfaction of CRA prior to issuance of building permit
- MM-37. Mitigation measures which could mitigate wind impacts include reconfiguration of the design of the buildings and/or orientation of wind baffling devices on building facades. Street furniture, including street trees, newspaper/flower kiosks, etc. would break up ground level winds. A wind tunnel study would indicate which measures would be most effective.  
Enforcement Agency: Los Angeles Department of Building and Safety;  
Monitoring Agency: Los Angeles Department of Building and Safety;  
Monitoring Phase: Pre-Construction  
Monitoring Frequency: Once  
Action Indicating Compliance with Mitigation Measure(s): Issuance of first Certificate of Occupancy
- MM-38. Mitigation Measure Q-3: In the course of the design and development phases, the project sponsor would make every reasonable effort to conserve energy used for heating and cooling the buildings over the lifetime of the project. The project would comply with at least the minimum requirements of the State Building Energy Efficiency Standards (Title 24) and, to the extent feasible, would seek to exceed such requirements and use state-of-the-art energy conscious design practices that achieve energy efficiency and use of on-site energy sources.  
Enforcement Agency: Los Angeles Department of Building and Safety  
Monitoring Agency: Los Angeles Department of Building and Safety  
Monitoring Phase: Pre-Construction; Construction  
Monitoring Frequency: Once  
Action Indicating Compliance with Mitigation Measure(s): Issuance of first Certificate of Occupancy

MM-39. The project sponsor would prepare and submit an Energy Conservation Plan, to include the following elements:

- a. Measures to meet state Title 24 requirements.
- b. Additional measures, including but not limited to, building placement and orientation, architectural features, open spaces, landscaping, mechanical, and operation measures.
- c. Estimates (percent) of energy reduction to be realized.

Enforcement Agency: Los Angeles Department of Building and Safety; CRA

Monitoring Agency: Los Angeles Department of Building and Safety; CRA

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Issuance of building permit

MM-40. The project sponsor will submit regular status reports, as requested by Agency staff, on the implementation of the Energy Conservation Plan.

Enforcement Agency: Los Angeles Department of Building and Safety; CRA

Monitoring Agency: Los Angeles Department of Building and Safety; CRA

Monitoring Phase: Operation

Monitoring Frequency: Ongoing

Action Indicating Compliance with Mitigation Measure(s): CRA sign-off of reports

MM-41. The following mitigation measures could be adopted singly or in combination to mitigate energy impacts identified in this report.

- a. Ensure that buildings are well-sealed to prevent outside air from infiltrating and increasing interior space conditioning loads. Design building entrances with vestibules to restrict infiltration of unconditioned air and exfiltration of conditioned air.
- b. Finish exterior walls with light-colored materials with high emissivity characteristics to reduce cooling loads. Finish interior walls with light-colored materials to reflect more light and thus increase lighting efficiency.
- c. Design window systems or use other means to reduce thermal gain and loss and thus cooling loads during warm weather and heating loads during cool weather.

- d. Limit installed office lighting loads to an average of about 2.3 watts/sq. ft. of conditioned floor area.
- e. Install fluorescent and high-intensity-discharge (HID) lamps, which give the highest light output per watt of electricity consumed, wherever possible.
- f. Install high-efficiency lamps for all street and parking lot lighting to reduce electricity consumption.
- g. For 160 volts, three-phase, distribute electricity within the project at 480/277 volts, three-phase, and step down where necessary for 110-volt outlets using dry transformers. Installed lighting systems could operate at 277 volts. These measures would reduce distribution losses and increase the efficiency of the lighting systems.
- h. Install occupant-controlled light switches and thermostats to permit individual adjustment of lighting, heating, and cooling, to avoid unnecessary energy consumption.
- i. Control mechanical systems (HVAC and lighting) in the buildings with time clocks to prevent accidental or inappropriate conditioning or lighting of unoccupied space. Computer-control the HVAC systems for maximum efficiency.
- j. Recycle lighting system heat, for space heating during cool weather. Exhaust lighting system heat from the buildings, via ceiling plenums, to reduce cooling loads in warm weather.
- k. Install low- and medium-static-pressure terminal units and ductwork to reduce energy consumption by air distribution systems.
- l. Cascade ventilation air from high-priority areas to low-priority areas before being exhausted, thereby decreasing the volume of ventilation air required. For example, air could be cascaded from occupied space to corridors to mechanical spaces before being exhausted.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Issuance of first Certificate of Occupancy

MM-42. The project sponsor would consult with the Building Engineering Department of Pacific Bell [*now SBC Communications, Inc.*] to determine the need for street excavation for cable installation.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once

Action Indicating Compliance with Mitigation Measure(s): Issuance of building permit

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

CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
- b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
- c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.

CM-2. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

CM-3. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all

times provide reasonable control of dust caused by wind.

- CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-6. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-8. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-12. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-16. All waste shall be disposed of properly. Use appropriately labeled recycling bins to 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.
- CM-17. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.



- CM-18. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- CM-19. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-20. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- CM-21. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

#### **DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS**

- C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:
  - 1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
  - 2. All other conditions applying to Model Dwellings under Section 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.
- C-2. That prior to recordation of the final map, the subdivider shall record an "Agreement for Development of Units for Lease or Sale ("15% Ordinance")" covenant, to benefit the Housing Authority, for certification of the development in accordance with Section 12.39-A. Arrangements shall be made with the Department of Building and Safety, Zoning Section - Subdivisions (213-482-0000) to approve the covenant format, prior to recording the covenant.
- C-3. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

- C-4. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

- C-5. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

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

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.

- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
  - (e) That drainage matters be taken care of satisfactory to the City Engineer.
  - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
  - (g) That any required slope easements be dedicated by the final map.
  - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
  - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
  - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.

- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

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

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- a. Remove and reconstruct the existing catch basins along 8<sup>th</sup> Street and James M. Wood Boulevard adjoining the subdivision in connection with street widening required herein.
- b. Abandon any catch basins and connector pipes in the vacated 8<sup>th</sup> Place and Florida Street satisfactory to the City Engineer.
- c. Improve Francisco Street being dedicated and adjoining the tract by the construction of additional concrete sidewalk.
- d. Improve 8<sup>th</sup> Street being dedicated and adjoining the subdivision by the construction of the following:
  - (1) A concrete curb, a concrete gutter, and a 10-foot full-width concrete sidewalk with tree wells.
  - (2) Suitable surfacing to join the existing pavement and to complete a 35-foot half roadway.
  - (3) Any necessary removal and reconstruction of existing improvements.
  - (4) The necessary transitions to join the existing improvements all satisfactory to the City Engineer.
- e. Improve James M. Wood Boulevard being dedicated and adjoining the subdivision by the construction of the following:
  - (1) A concrete curb, a concrete gutter, and a 10-foot full-width concrete sidewalk with tree wells.
  - (2) Suitable surfacing to join the existing pavement and to complete a 35-foot and variable width half roadway.
  - (3) Any necessary removal and reconstruction of existing improvements.
  - (4) The necessary transitions to join the existing improvement.

**NOTES:**

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

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

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

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

No building permit will be issued until the subdivider has secured a certification from the Housing Authority that the development complies with the requirements for low-and moderate-income housing, per Section 12.39-A of the LAMC.

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

**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 OF FACT (CEQA)**

Pursuant to the California Environmental Quality Act ("CEQA"), the Community Redevelopment Agency ("CRA") has acted as the lead agency for the approval of the Metropolis Mixed-Use Project (the "Project") on the site and, in that connection, prepared and certified a Final Environmental Impact Report ("Final EIR") as well as other subsequent environmental review documents under CEQA to analyze the potentially significant environmental impacts of the Project.

The Project consists of approximately 3.275 million gross square feet of residential, office, hotel and retail uses in four high rise buildings with associated parking and open space in downtown Los Angeles. The components of the Project, comprising up to 3.275 million gross square feet (2,757,510 net square feet of floor area), include the following: up to 836 residential units; up to 480 hotel rooms; up to 48,949 square feet of retail uses; and up to 1,007,056 square feet of office uses.

The Project was originally the subject of a Certified EIR ("1989 Certified EIR") (SCH # 88062220; CRA Resolution No. 4066, October 18, 1989) and the CRA adopted CEQA Findings and a Statement of Overriding Considerations on February 15, 1990 (CRA Resolution No. 4087), in connection with its approval of a Transfer of Development Rights Plan (CRA Resolution No. 4088), and Owner Participation Agreement ("OPA") including a Public Benefits Plan (CRA Resolution No. 4089) for the Project. At that time, the Project consisted of 2.7 million gross square feet (2,351,000 net square feet of floor area), including the following components: 100,000 gross square feet of cultural facility uses; 550-700 hotel rooms; 270,000 gross square feet of retail uses; and 1,800,000 gross square feet of office uses. Thereafter, the Los Angeles City Council approved a Development Agreement for the Project through the adoption of Ordinance No. 168,318 on November 5, 1992.

In 2000, the First Addendum to the 1989 Certified EIR was prepared to address the environmental implications of minor modifications to the conditions of approval related to a street vacation ordinance affecting the on-site segments of Florida Street, Eighth Place, and subsurface portions of Francisco Street, as well as associated amendments to the OPA and Development Agreement. The CRA determined that neither new significant impacts nor substantial increases in the severity of impacts would occur as a result of these revisions. On August 3, 2000, the CRA approved the First Addendum to the 1989 Certified EIR (CRA Resolution No. 5933) and approved amended conditions of approval for the street vacation.

Modifications to the Project were proposed in 2004 to replace some of the Project's office and hotel uses with residential dwelling units, eliminate the cultural facility component and reduce the retail uses described above. These modifications were analyzed in a Second Addendum to the 1989 Certified EIR, which was certified by the CRA on October 6, 2005 (CRA Resolution No. 6902) at which time the CRA also approved an Amended and Restated Owner Participation Agreement ("Amended OPA"), a Master Plan, an amended Public Benefits Plan and an Assignment and Assumption Agreement. The City Council approved the Amended OPA and amended Public Benefits Plan on December 21, 2005 and February 21, 2006. Owners of nearby property challenged these approvals by filing a lawsuit in the Superior Court (Mani Brothers Real Estate Group and 8th & Francisco v. City of Los Angeles, et al., Superior Court Case No. BS101354; Appeal No. B194309). After a hearing, the Superior Court entered Judgment and issued a Writ of Mandate (collectively, the "Order") upholding the validity of the Second Addendum in all respects except one. The Order required the preparation of a Supplemental Environmental Impact Report ("SEIR") to

analyze the impacts of the modified Project on police services. The Court of Appeal issued a decision upholding the Order on August 3, 2007.

A Final SEIR dated January 2007 was prepared as a supplement to the 1989 Certified EIR (as modified and updated by the 2000 Addendum and 2005 Addendum) to analyze the impacts of the Project, as modified in 2005, on police services and was prepared under the supervision of the CRA as lead agency in accordance with CEQA and the Guidelines for the California Environmental Quality Act (CEQA Guidelines). On February 15, 2007, the CRA certified that the Final SEIR was completed in compliance with CEQA and the CEQA Guidelines, that the Final SEIR reflects its independent judgment and analysis, and that it will review and consider the information contained therein prior to considering any further discretionary approvals for the Project. (CRA Resolution No. 7013-1).

The CRA prepared a Third Addendum to the Certified EIR (as modified and updated by the First Addendum, the Second Addendum and Final SEIR) to analyze whether certain modifications to Phase I of the Project could result in any of the circumstances requiring that a subsequent or supplemental EIR be prepared under Public Resources Code ("PRC") Section 21166 and CEQA Guidelines Sections 15162 and 15163. Since the certification of the Final SEIR, the first phase of the Project has been designed by the applicant. As now designed, Phase I of the Project will have a slightly greater overall gross square footage of building area, but a slightly smaller net floor area with nine fewer residential units, less retail square footage, less open space square footage (which complies with City requirements), one less level of parking, and a slightly lower building height than Phase I as described in the Second Addendum and Final SEIR. Phase I of the Project continues to have a floor area ratio (FAR) of 6:1, which requires no transfer of floor area ratio (TFAR), as previously described in the Second Addendum and Final SEIR. There are no changes proposed to the development program for Phases II, III and IV of the Project.

On September 20, 2007, the CRA, as the lead agency for the Project, adopted Resolution No. \_\_\_\_\_ related to the Final SEIR and Third Addendum and approving CEQA findings, a statement of overriding considerations and a mitigation monitoring and reporting program, and re-approving the CEQA findings, a statement of overriding considerations, and a mitigation monitoring and reporting program related to the Second Addendum to the 1989 Certified EIR (except to the extent they relate to police services) in connection with the re-approval of the Project, including the re-approval of the Amended OPA and Master Plan, as well as an Implementation Agreement.

The Advisory Agency is a responsible agency under the CEQA Guidelines and is required to make findings as required by CEQA with respect to its approval of the Project. The Advisory Agency has reviewed and considered the information contained in the Final EIR, including the 1989 Certified EIR, the First Addendum, the Second Addendum, the Final SEIR and the Third Addendum for the Project and other documents in the record with respect to the Project and certifies that its decision on the Project reflects its independent judgment.



Accordingly, the Advisory Agency of the City of Los Angeles:

- A) has considered, pursuant to CEQA Guidelines Section 15096(a), all relevant evidence in the record, including but not limited to the Certified EIR the First Addendum, the Second Addendum, the Final SEIR, the Third Addendum, and the CRA's Findings and Mitigation Monitoring Program (collectively the "CEQA Documents");
- B) hereby finds and determines, based on substantial evidence in the record, that no subsequent or supplemental EIR is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines §§ 15162 or 15163, and that the Third Addendum is the proper environmental review. The Third Addendum was prepared under the authority of CEQA Guidelines § 15164(a), which requires a lead agency to prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in CEQA Guidelines §§ 15162 and 15163 calling for preparation of a subsequent or supplemental EIR have occurred;
- C) has considered the environmental effects of the September 2007 Revised Project as set forth in the Addendum Documents, pursuant to CEQA Guidelines Section 15096(f) and readopts the CEQA Findings adopted by the CRA Board, each of which are incorporated by reference herein;
- D) hereby finds, pursuant to CEQA Guidelines Section 15091(a)(1), that changes and alterations have been required by CRA and incorporated into the September 2007 Revised Project which avoid or substantially lessen the significant environmental effects as identified in the CEQA Documents;
- E) hereby finds, pursuant to CEQA Guidelines Section 15093, that certain economic, legal, social, technological or other benefits of the September 2007 Revised Project, as set forth below, outweigh the unavoidable adverse environmental effects, all of which are identified in the CEQA Documents;
- F) hereby finds, pursuant to CEQA Guidelines Section 15096(g)(2), that there are no feasible alternatives or feasible mitigation measures (other than those already imposed by the CRA Board and identified in the Addendum Documents) that would substantially lessen or avoid any significant environmental effect of the September 2007 Revised Project as identified in the CEQA Documents; and
- G) hereby finds that the CEQA Documents, including the Third Addendum, are adequate under CEQA for approval of the September 2007 Revised Project.

STATEMENT OF OVERRIDING CONSIDERATIONS

The implementation of the Project would not have any Project-related significant impact, however, there would be a significant cumulative police services impact. Despite the existence of a significant cumulative police services impact which has not been mitigated to below the level of significance, the City of Los Angeles has balanced the benefits of the Project against the unavoidable significant environmental effects as described in the Addendum Documents and makes the following Statement of Overriding Considerations in that the Project will:

- Add needed housing units to the Central Business District (CBD) Redevelopment Project Area and the Central City Community Plan area;
- Facilitate the renewal and rehabilitation of deteriorated and underutilized areas within the CBD Redevelopment Project Area;
- Contribute to the creation of a modern, efficient, and balanced urban environment for people that reflects high regard for architectural, landscape, and urban design principles;
- Create both construction jobs and permanent jobs;
- Provide a much-needed hotel to serve the Central Business District, Staples Center and Convention Center areas;
- Provide retail uses to an underserved area;
- Create tax increment in the CBD Redevelopment Project Area;
- Create a public benefit payment through the use of transfer of floor area;
- Stimulate economic activity in the CBD Redevelopment Project Area;
- Repair, replace, construct or reconstruct the public infrastructure, sidewalks, signs, pedestrian amenities, and other facilities;
- Encourage the employment of low and moderate income residents from the adjacent community; and
- Implementation of the Project would facilitate implementation of the Central City Community Plan and the CBD Redevelopment Plan goals.

The Advisory Agency hereby concurs in and adopts as its own the findings and statements of overriding considerations made by the CRA as set forth in Resolution No. \_\_\_\_\_, which is attached and incorporated herein by this reference. The Advisory Agency hereby

concurs in and adopts the Mitigation Monitoring and Reporting Program for the Project as found in Section \_\_\_\_ of Exhibit \_\_ to Resolution \_\_\_\_\_.

The Advisory Agency specifies that the record of the proceedings upon which its decision is based is located in the City Clerk's Office, Room 360 City Hall, 200 North Spring Street, Los Angeles, California 90012, and in the offices of the CRA located at 354 South Spring Street, Suite 800, Los Angeles, California 90013.

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

In connection with the approval of Vesting Tentative Tract Map No. 66352 Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

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

The adopted Central City Community Plan designates the subject property for Regional Center Commercial land use with the corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. Footnote 4 of the Community Plan states that the corresponding height district is "3-D and 4-D; D limitation to 6:1 FAR, except for transfer of floor area up to 10:1 or 13:1, respectively." The property contains approximately 6.14 net acres (267,503 net square feet) and is presently zoned C2-4D.

The vesting tentative tract map permits a merger and resubdivision of 46 existing lots into 14 lots (5 ground lots and 9 airspace lots). Although the tract map consists of the site for the entire four-phased project, only the number of dwelling units and retail square footage for Phase I is included as part of the tract map. The remaining phases have yet to be finalized.

Phase 1 of the Metropolis Project consists of 79,913 square feet of lot area (before dedications) on the southwesterly side of the project site at the corner of James M. Wood Boulevard (formerly 9th Street) and Francisco Street. This phase is a mixed-use development for a 33-story, 343-foot high residential condominium tower integrated with a 5-level parking podium and a 6th level roof top recreational, open space amenity deck. The proposed residential tower consists of 351 condominium units on 32 floors and one ground floor level of commercial retail space (approximately 7,492 square feet).

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas).

The proposed development of the Metropolis Project including Phase 1 is allowable under the current adopted zone and the Community Plan land use designation. Therefore, as conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

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

The proposed development of 351 residential condominium units and 7,492 square feet of ground floor retail use with a total of 535 parking spaces on 14 lots (5 ground lots and 9 airspace lots) for Phase I is allowable under the current land use designation under the Central City Community Plan.

At full build-out, the Metropolis Mixed-use project proposes approximately 3.275 million gross square feet of residential, office, hotel and retail uses in four high rise buildings with associated parking and open space, the components of which include the following to be built over four phases: up to 836 residential units; up to 480 hotel rooms; up to 48,949 square feet of retail uses; and up to 1,007,056 square feet of office uses. The CRA has approved a transfer of floor area to permit the overall amount of development proposed by the Project at a floor area ratio (FAR) of 10:1, although Phase 1 of the Project is proposed at an FAR of 6:1 and will not require any transfer of floor area. An application for an amended Development Agreement and Transfer of Development Rights has been filed under Case No. CPC 2006-1816-DA-TDR for the transfer of floor area up to a 10:1 FAR.

Francisco Street is a Collector Street dedicated to 60- and 62-foot widths at the project's street frontage. The Bureau of Engineering is requiring that the portion of Francisco Street being vacated adjacent to proposed Lots 1 and 10 be dedicated as a public street. 8<sup>th</sup> Street is a Secondary Highway dedicated to a variable 80- and 83-foot width at the project's street frontage. The Bureau of Engineering is requiring a 2-foot dedication to complete a 45-foot wide half street dedication in accordance with Secondary Highway Street Standards. James M. Wood Street is a Secondary Highway dedicated to a 70-foot width at the project's street frontage. The Bureau of Engineering is requiring a 10-foot dedication to complete a 45-foot wide half street dedication in accordance with Secondary Highway Street Standards. In addition, Bureau of Engineering is requiring that the final map be approved by the State Department of Transportation with respect to the alignment of the Harbor Freeway.

For Phase I, the proposed project will provide 527 residential parking spaces, providing a minimum of 1.5 residential parking spaces per dwelling unit. This exceeds the required 393 residential parking spaces by 134 spaces pursuant to LAMC Section 12.21.A.4(p) (Parking Exception for Central City Area), which requires one parking space for every dwelling unit of up to three habitable rooms

and 1.25 parking spaces for every dwelling unit of more than three habitable rooms. The project will also include 8 parking spaces designated for the commercial/retail use, which does not require any spaces for commercial uses less than 7,500 gross square feet within the Parking Exception area for the Downtown Business District (LAMC Section 12.21.A.4(i)).

This project isn't subject to any Specific Plan requirements. As conditioned the design and improvements of the proposed project are consistent with the applicable General and Specific Plans.

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

The site is one of the few under-improved properties in the vicinity. The development of this tract is an infill of an otherwise high intensity, high-density urban neighborhood in downtown Los Angeles, with close proximity to entertainment and jobs, a Metro Rail transit station, numerous bus lines and the Dash bus system. The Project Site is located within 1500 feet of a Metro Rail transit station at 7th and Figueroa. This proximity allows transit to Long Beach (via the Blue Line) or to North Hollywood, Hollywood, Pasadena, and other areas via the Red Line and Gold Line. The DASH bus system operates weekdays and weekends and serves the entire downtown area. Project residents and their guests will be within walking distance of thousands of employment opportunities, as well as nearby restaurants, nightclubs, theaters, retail stores, and the Staples Center.

The Metropolis Project site that will be merged into five ground lots consists of a total of 275,751 square feet (approximately 6.3 acres) of land in Downtown Los Angeles, bounded by Francisco Street to the east, 8th Street to the north, the 110/Harbor Freeway to the west, and James M. Wood Boulevard (formerly 9th Street) to the south. The Project Site is located one block to the west of Figueroa Street. The Project Site has previously been cleared of all on-site buildings, except for structures related to the site's current use as a surface parking lot. The Project Site consists of numerous lots and vacated portions of Florida Street, 8th Place, an alley and Francisco Street (subsurface portion only).

Areas of low rise residential and commercial uses that previously existed southwest of the Project Site, extending to the Staples Center, have been cleared for the future development of the master-planned Los Angeles Sports and Entertainment District complex of high-rise hotel, retail, entertainment and housing uses. The Project Site is now surrounded by 30- to 50-story high-rise towers on its northeast and east boundaries and the Harbor Freeway on its western boundary.

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone.

The Department of Building and Safety, Grading Division, has conditionally approved the tract map, subject to control of on-site drainage in a manner acceptable to that Department. The soils and geology reports for the proposed subdivision were found to be adequate by the Grading Division of the Department of Building and Safety.

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

The subject site consists of a level, rectangular-shaped lot totaling 267,503 net square-foot site (6.14 net acres) in the C2-4D Zone and designated as Regional Center Commercial land use within the Financial Core District in the Central City Community Plan area. The site encompasses a full city block and abuts the Harbor Freeway to the west. Contemporary high rise office buildings dominate the landscape in the Financial Core District. Among the most prominent are Library Tower, Citicorp Center, the Gas Company Tower, the AT&T Building and the twin towers of Arco Plaza. The proposed mixed-use development is consistent with the objective to maintain the Financial Core District as the premier and most dense location for commercial office space, hotels, and retail in the City as well as a source of employment opportunities for residents, adjacent neighborhoods, and the region.

The property to the north, across 8<sup>th</sup> Street, is developed with the high-rise Ernst & Young Plaza and the 7<sup>th</sup> & Fig Shopping Center. Properties to the east are developed with a surface lot and the 801 Fig building. Properties to the south are developed with smaller commercial buildings and surface parking lots. Further south of Olympic Boulevard is located the newly developing Los Angeles Sports and Entertainment District, commonly known as L.A. Live. The Project Site's C2-4D zoning applies to all surrounding properties, other than the freeway right of way, which are also designated for Regional Center Commercial land use. The Project Site is located within the Central Business District Redevelopment Project area.

The applicant is seeking a concurrent request for Zoning Administrator Adjustments to permit a reduced northerly side yard setback of zero feet in lieu of the required 16 feet; to permit a 10,493 square feet of open space to be provided in the required side yard; to permit 40 on-site trees in lieu of the required 88 trees; and Site Plan Review under Case No. ZA-2006-3449-ZV-ZAA-SPR. In March 2006, the applicant applied for a request to amend the previously approved Development Agreement and permit the transfer of floor area up to a 10:1 FAR for a four-phase office/retail/hotel/residential project containing approximate 2,751,510 million square feet of floor area with 6 levels of aboveground parking for the subject site under Case No. CPC-2006-1816-DA-TDR.

The proposed project will otherwise comply with all LAMC requirements. As

conditioned the proposed tract map is physically suitable for the proposed density of the development.

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

The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage as the proposed project, as conditioned, will create an appropriately-located mixed-used development. It will provide housing and retail opportunities, and hotel and office uses in later phases, to satisfy varying needs and desires of the Downtown community, promote economic well being and public convenience.

Furthermore, the Initial Study and the Final EIR prepared for the Project identifies no potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, or risk of upset are concerned. No biological resources occur on the Project Site, nor does suitable habitat for sensitive mammal, reptile, amphibian, or fish species exist on the Project Site or in the vicinity. The Project Site is improved as an asphalt surfaced parking lot and, similar to the surrounding area, is presently developed with structures and urban uses that do not provide a natural habitat for either fish or wildlife.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

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

No such easements are known to exist. Needed public access for roads and utilities

will be acquired by the City prior to recordation of the proposed tract.

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

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

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

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

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 66352.

S. Gail Goldberg, AICP  
Advisory Agency

MAYA ZAITZEVSKY  
Deputy Advisory Agency

MZ:RG:JK:jq



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

Figueroa Plaza  
201 N. Figueroa St., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Blvd., Room 251  
Van Nuys, CA 91401  
(818) 374-5050

**Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).**

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

If you have any questions, please call Subdivision staff at (213) 978-1362.