

MEMORANDUM

DATE: FEBRUARY 15, 2007 SP2020

TO: AGENCY COMMISSIONERS

FROM: CECILIA V. ESTOLANO, CHIEF EXECUTIVE OFFICER

RESPONSIBLE
PARTIES: DAVID RICCITIELLO, REGIONAL ADMINISTRATOR
LILLIAN BURKENHEIM, PROJECT MANAGER
ROBERT MANFORD, CITY PLANNER

SUBJECT: CERTIFICATION OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL
IMPACT REPORT FOR THE PROPOSED METROPOLIS MIXED USE
PROJECT IN THE AMENDED CENTRAL BUSINESS DISTRICT
REDEVELOPMENT PROJECT AREA
DOWNTOWN REGION (CD9)

RECOMMENDATION

That the Agency:

Adopt a Resolution certifying that the Final Supplemental Environmental Impact Report (Final SEIR) for the Metropolis Mixed-Use Project ("Project"):

- a) has been prepared in accordance with the California Environmental Quality Act (CEQA) and State and CRA/LA CEQA Guidelines,
- b) has been reviewed and considered by the Agency Commissioners, and
- c) represents CRA/LA's independent judgment and analysis.

SUMMARY

The Project site consists of 6.3 acres of land located in Downtown Los Angeles, bounded by the Harbor Freeway on the northwest, the Ninth Street off-ramp from the northbound Harbor Freeway on the southwest, Francisco Street on the east, and Eighth Street on the northeast. The site is located within the South Park area of the Amended Central Business District Redevelopment Project Area.

The Project consists of approximately 3.2 million gross square feet of residential, office, hotel and retail uses in four high rise buildings with associated parking and open space. The Project would include 836 residential units and a 480-room hotel. The maximum building height would be up to 620 feet above existing grade exclusive of antennas and other rooftop mechanical equipment. Parking would be provided in excess of code requirements within a five-story parking podium with one at-grade level, four above-grade levels, and from one to four

subterranean levels varying by phase (approximately 2,960 spaces). The Project would be constructed in four phases.

The requested action to be taken by the Agency is certification, by the attached resolution (see Attachment "A") that the Final EIR for the proposed Metropolis Mixed-Use Project has been prepared in compliance with CEQA. A Draft SEIR was circulated and made available for public review for a 45-day period ending January 4, 2007. A public hearing on the Draft EIR was held on December 21, 2006. In accordance with CEQA and State and Agency environmental guidelines, Agency staff has directed the preparation of the Final SEIR for the proposed Metropolis Mixed-Use Project. The Final SEIR includes all of the comments received during the public review process and CRA responses to those comments. Certification of the Final SEIR does not imply approval of the Project and CRA is not being asked to set aside the previous approval of the Project or to reconsider approval of the Project at this time.

RE

December 21, 2006 – Public Hearing on the Draft SEIR

SOURCE OF FUNDS

No Agency funds are required for the recommended action.

PROGRAM AND BUDGET IMPACT

There is no budget impact. Staff time for the environmental review process for this project is carried under SP2020 (Metropolis Mixed Use Development).

ENVIRONMENTAL REVIEW

The recommended action is in conformance with and will further the purposes of the California Environmental Quality Act (CEQA).

BACKGROUND

The potential environmental effects of the Project were the subject of a certified Final EIR (SCH# 88062220; Resolution No. 4066, October 18, 1989), an Addendum approved in 2000 (CRA/LA Resolution No. 5933) and an Addendum approved in 2005 (CRA/LA Resolution No. 6902). The Project, including the Master Plan for the Project (Metropolis Master Plan), as well as the Amended and Restated Owner Participation Agreement (OPA), were approved by the Agency Board of Commissioners on October 6, 2005, and by the City of Los Angeles in December 2005 and February 2006. In July 2006, the Los Angeles Superior Court considered a CEQA challenge to the Project's approval (L.A. Superior Court Case No. BS101354), and upheld the 2005 Addendum in all respects except one: the analysis of police services. The Order required clarification of the potential effect of the new residential component of the Project on police services, and explanation of the effectiveness of proposed mitigation measures. Appeals of the Order have been filed by all the parties in the case, which results in an automatic stay of the enforcement of the Order. Therefore, CRA/LA is not legally required to proceed with compliance with the Order at this time. Nonetheless, CRA/LA has voluntarily proceeded with the preparation of the SEIR related to police services as required by the Order.

As required by the Court Order, a Draft Supplemental EIR (Draft SEIR) focusing on police services was prepared. On August 8, 2006, the Los Angeles Police Department (LAPD), the agency with jurisdiction relating to the Project and its potential effects on police services, was notified by letter from CRA/LA that the Draft SEIR was being prepared and comments from LAPD were solicited regarding the scope and content of the SEIR relating to their statutory responsibilities in connection with the police service issues to be analyzed in the Draft SEIR. LAPD responded to the CRA/LA by letter dated September 7, 2006, providing data on crime statistics for the project area, suggesting the Project would have a significant impact on police services, and recommending that the applicant contact LAPD Crime Prevention Unit personnel regarding crime prevention features appropriate for incorporation into the Project. The Draft SEIR, addressing the police services issues identified in the Court Order and the comments received by LAPD, was circulated for a 45-day public review period that began on November 20, 2006 and ended on January 4, 2007. The Draft SEIR was sent to LAPD, other City departments, the State Clearinghouse, and persons potentially concerned with the effects of the Project on police services. A Notice of Completion and Availability for Public Review of the Draft SEIR was published in the Los Angeles Downtown News on November 20, 2006 and was distributed with the documents indicating a December 21, 2006 Public Hearing for the Draft SEIR, where and by when written comments should be submitted, and that members of the public could review the Draft SEIR on the Agency's web site, at the Agency's Central Office Records Center during business hours, and at the Los Angeles Central Public Library. Recipients were also notified that they could obtain copies of all or part of the Draft SEIR at a cost of 20 cents per page. (This cost is charged for copies of all Agency public records in accordance with Agency administrative procedures.)

Four written comment letters were received during the public circulation period for the Draft SEIR. Two of the four letters were authored by Brown, Winfield & Canzoneri, Incorporated, Attorneys at Law, on behalf of Mani Brothers Real Estate Group and 8th and Francisco LLC (Mani Brothers), the litigants whose challenge to the Project's approval (L.A. Superior Court Case No. BS101354) led to preparation of the Draft SEIR. The third letter was submitted by the California Native American Heritage Commission (NAHC), and the fourth letter was from the Governor's Office of Planning and Research (State Clearinghouse). The comments on behalf of the Mani Brothers generally contended that despite the Court Order focusing the SEIR on police services, CRA/LA should elect to prepare a new EIR or full SEIR on all categories of potential impacts associated with the Project, while also suggesting various deficiencies in the Draft SEIR and concerns regarding the approval process. The comments from the NAHC suggested that the CRA/LA should assess whether the Project will have an adverse impact on historical and archaeological resources. The comment from the State Clearinghouse indicated that CRA/LA has complied with the State Clearinghouse review requirements for CEQA documents. Two individuals commented at the Public Hearing for the Draft SEIR held on December 21, 2006. Chris Antoniadis, Operations Director for the Downtown Business Improvement District, provided statements in support of the Project, highlighting downward trends in crime in the downtown area and suggesting that the Project would increase public safety in the area. Diana Vernazza with Brown, Winfield & Canzoneri, spoke on behalf of the Mani Brothers, and similar to their written comments contended that the CRA should prepare a new EIR or full SEIR while also suggesting other deficiencies in the Draft SEIR. As required by CEQA, a response to NAHC, the only public agency commenting on the Draft SEIR, was mailed at least ten days prior to this hearing. As a courtesy, responses to comments were also mailed to Brown, Winfield & Canzoneri on behalf of the Mani Brothers.

Cecilia V. Estolano
Chief Executive Officer

By

Glenn F. Wasserman
Chief Operating Officer

There is no conflict of interest known to me that exists with regard to any Agency officer or employee concerning this action.

Attachments

A - Agency Resolution certifying the Final SEIR