



1045 Olive TFAR calculations

6 messages

Milena Zasadzien <milena.zasadzien@lacity.org>

Mon, Jun 8, 2020 at 6:11 PM

To: ryan.leaderman@hklaw.com

Cc: Luciralia Ibarra <luciralia.ibarra@lacity.org>, Jason McCrea <jason.mccrea@lacity.org>

Hi Ryan,

As discussed in our phone conversation today, the below identifies additional errors provided in the TFAR worksheet submitted by the Applicant on April 30, 2020:

The Project qualifies as a Transit Area Mixed Use Project, per LAMC 14.5.3, which allows the Project to calculate its maximum available floor area rights based on Buildable Area. The maximum allowable floor area available to be transferred through a TFAR request is calculated as the difference between the Buildable Area at a 13:1 FAR and the Lot Area at a 6:1 FAR.

On the TFAR application worksheet submitted by the Applicant, there is an incorrect request for the floor area requested to be transferred. This information, as well as subsequent calculations on the form, should be corrected to state that the TFAR request is for 523,195 sf, rather than 404,803 sf, in order to achieve the 751,777 sf total floor area proposed for the Project.

DEPARTMENT OF CITY PLANNING CALCULATION

$$(13 \times 57,829 \text{ sf}) - (6 \times 38,097 \text{ sf}) = 523,195 \text{ sf}$$

APPLICANT CALCULATION

$$(13 \times 57,829 \text{ sf}) - (6 \times 57,829 \text{ sf}) = 404,803 \text{ sf}$$

Requested Floor Area Transfer Difference = 118,392 sf

As the Public Benefit Payment and Transfer Payment are both based on the Requested Transfer Floor Area, this results in shortfalls for both payments identified on the April 30, 2020 TFAR form. The below identifies the corrected Department of City Planning calculations in comparison to the incorrect calculations provided on the April 30th form:

PUBLIC BENEFIT PAYMENT

DEPARTMENT OF CITY PLANNING CALCULATION

$$\text{Public Benefit Payment} = \left(\frac{\$23,700,000}{38,097} \right) \times 0.4 \times 523,195 \text{ sf} = \$21,698,509$$

APPLICANT CALCULATION

$$\text{Public Benefit Payment} = \left(\frac{\$23,700,000}{38,097} \right) \times 0.4 \times 404,803 \text{ sf} = \$16,788,428$$

Public Benefit Shortfall = \$4,910,081

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Transfer Payment = 0.1 x \$21,698,509 or \$5 x 523,195 sf = \$2,615,976

APPLICANT CALCULATION

Transfer Payment = 0.1 x \$16,788,428 or \$5 x 404,803 sf = \$2,024,015

Transfer Payment Shortfall = \$591,961

TRANSFER PAYMENT

Please let me know if you and/or your team would like to discuss further.

Best regards,
Milena

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Ryan.Leaderman@hklaw.com <Ryan.Leaderman@hklaw.com>

Wed, Jun 10, 2020 at 9:03 PM

To: milena.zasadzien@lacity.org

Cc: luciralia.ibarra@lacity.org, jason.mccrea@lacity.org, alex@irvineassoc.com, EK@crescentheights.com, atartakovsky@crescentheights.com, ADewitt@crescentheights.com

Hi Milena,

Thank you for your e-mail. In it you state that there is an incorrect calculation of the amount of square footage to be transferred. This is a 180 degree change in your position given to the Applicant and its counsel (i.e., me) verbally on our February 18, 2020 teleconference.

The plain language of the TFAR ordinance mandates the use of the 57,829 square foot figure for Buildable Area for use with the PBP and Transfer Payment calculation. LAMC Section 14.5.3 states that "Floor Area Rights means the ability to construct additional Floor Area within a Project, pursuant to an approved Transfer Plan, in excess of the amount of Floor Area that Project would be allowed based on its Lot Area, or, **in the case of a Transit Area Mixed Use Project, the Buildable Area.**" (Emphasis Added.) This section also states that "Buildable Area means the same as Lot Area, with the following exception: for the purposes of computing **the maximum Floor Area Rights available through the approval of a Transfer Plan for a Transit Area Mixed Use Project, as defined herein, the buildable area shall include the Lot Area plus the area between the exterior lot lines and the centerline of any abutting public right-of-way.**" (Emphasis Added.) Thus, harmonizing these definitions for this Transit Area Mixed Use Project, Floor Area Rights means the ability to construct additional Floor Area based upon the Buildable Area. There is no ambiguity to the plain language of the LAMC.

Since the Buildable Area is 57,829 square feet, the Floor Area Rights of the Project based on the Transit Area Mixed Use Project definition is 346,974 square feet. In order to achieve the maximum Floor Area Rights, based on the Buildable Area definition for Transit Area Mixed Use Projects, there would need to be a transfer of 404,803 square feet. Because of the alternative definition of Buildable Area for Transit Area Mixed Use Projects, the Applicant has Floor Area Rights based on the Buildable Area, and not Lot Area. As such, pursuant to LAMC Sec. 14.5.9C the number

of square feet of Floor Area Rights to be transferred to the Project site is 404,803 square feet, and not the 523,195 square foot figure that is based on Lot Area. The City's new June 8, 2020 interpretation does not take into account the plain and unambiguous Buildable Area and Floor Area Rights LAMC definitions for Transit Area Mixed Use Projects.

Ryan Leaderman | Holland & Knight

Partner

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Phone 213.896.2405 | Mobile 310.804.4523 | Fax 213.896.2450

ryan.leaderman@hklaw.com | www.hklaw.com

[Add to address book](#) | [View professional biography](#)

From: Milena Zasadzien <milena.zasadzien@lacity.org>

Sent: Monday, June 8, 2020 6:11 PM

To: Leaderman, Ryan M (LAX - X52405) <Ryan.Leaderman@hklaw.com>

Cc: Luciralia Ibarra <luciralia.ibarra@lacity.org>; Jason McCrea <jason.mccrea@lacity.org>

Subject: 1045 Olive TFAR calculations

[External email]

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Luciralia Ibarra <luciralia.ibarra@lacity.org>

Wed, Jun 10, 2020 at 9:43 PM

To: Adrienne Khorasanee <adrienne.khorasanee@lacity.org>, Donna Wong <donna.wong@lacity.org>, Lisa Webber <lisa.webber@lacity.org>, Terry Kaufmann Macias <terry.kaufmann-macias@lacity.org>

Cc: Milena Zasadzien <milena.zasadzien@lacity.org>

For clarity, he is referring to a February call with staff, but not the March call we had with Ryan where we discussed the modified form or the May call where we discussed it again and requested a corrected form.

- Luci

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* For appointments, please contact Darlene Navarrete at (213) 847-3683 or Darlene.Navarrete@lacity.org



Luciralia Ibarra

Principal City Planner

Citywide - Major Projects/CEQA Policy

Los Angeles City Planning

221 N. Figueroa St., Suite 1350

Los Angeles, CA 90012

Ryan.Leaderman@hklaw.com <Ryan.Leaderman@hklaw.com>
To: milena.zasadzien@lacity.org, luciralia.ibarra@lacity.org

Thu, Jun 11, 2020 at 6:32 PM

Hi Milena and Luci,

Just checking in regarding the project. Do you have any time tomorrow to chat?

Thanks,

Ryan Leaderman | Holland & Knight

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From: Leaderman, Ryan M (LAX - X52405)

Sent: Wednesday, June 10, 2020 9:04 PM

To: 'Milena Zasadzien' <milena.zasadzien@lacity.org>

Cc: Luciralia Ibarra <luciralia.ibarra@lacity.org>; Jason McCrea <jason.mccrea@lacity.org>; Alexander Irvine (alex@irvineassoc.com) <alex@irvineassoc.com>; Elliott Kahn <EK@crescentheights.com>; Adam Tartakovsky (atartakovsky@crescentheights.com) <atartakovsky@crescentheights.com>; Andrew Dewitt <ADewitt@crescentheights.com>

Subject: RE: 1045 Olive TFAR calculations

Hi Milena,

[Quoted text hidden]

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Ryan.Leaderman@hklaw.com <Ryan.Leaderman@hklaw.com>
To: milena.zasadzien@lacity.org, luciralia.ibarra@lacity.org

Fri, Jun 12, 2020 at 6:01 PM

Cc: lisa.webber@lacity.org, kevin.keller@lacity.org, alex@irvineassoc.com, elkahn@crescentheights.com, atartakovsky@crescentheights.com, ADewitt@crescentheights.com

Hi Milena,

I wanted to get to you the maintenance plan for the butterfly habitat component of the 1045 Olive project – it's fresh off the presses!

If you would like to discuss this or TFAR at your earliest convenience, please let me know.

Have a good weekend!

Ryan

Ryan Leaderman | Holland & Knight

Partner

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milena.zasadzien@lacity.org



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 **MAINTENANCE_MONARCHSANCTUARY_LA.pdf**
2632K

Cc: Luciralia Ibarra <luciralia.ibarra@lacity.org>, Lisa Webber <lisa.webber@lacity.org>, Kevin Keller <kevin.keller@lacity.org>, Alexander Irvine <alex@irvineassoc.com>, elkahn@crescentheights.com, atartakovsky@crescentheights.com, ADewitt@crescentheights.com

Hi Ryan,

Thank you for submitting the additional information. We'll take a look at the maintenance program prior to the CPC meeting. I would recommend that the information you provided also be submitted to the Commission prior to the meeting.

Below is also general information about the upcoming CPC telephonic meeting, including important deadlines for submittal of contact information, presentations, and additional submittals:

General. All Presenters and members of the public who wish to provide public comment will have access to the live Zoom meeting video. Commissioners, Planning staff, and City Attorney will be able to see applicants, appellants, representatives, and each other via Zoom video. Members of the public will also be able to view all of the individuals listed above, but the members of the public will not be visible to anyone.

Contact Information. If you are planning to present or speak on an agenda item, you are automatically muted upon entry and will appear simply as a phone number on the Zoom screen accessible to the Commission and Planning staff if calling in. In order to identify you upon entry into the meeting, please provide the following to cpc@lacity.org by **noon, June 24th** the following:

1. Whether you will be participating by phone or online
2. Phone Number you will be using to dial in (if calling in)
3. Full Name
4. Case Number/Agenda Item you represent.

This information is necessary in order for Commission staff to identify you when you enter the meeting and can unmute you when it is your time to present.

To Make a Presentation. Please remember that applicant PowerPoint presentations, are due no later than **Monday, June 22, 2020 @ 10:00 a.m.** to cpc@lacity.org. For applicants, appellants, representatives, and property owners, a zoom link will be available at the top of the Commission Agenda posted online at planning.lacity.org. Click on that link and enter the associated Meeting ID which can also be found at the top of agenda. Upon entry, you will be listed as an "attendee," but Commission Staff will designate you as a "panelist" based on the contact information you provided in advance. As a panelist, your video will be visible to the Commissioners. After your item is called, the Commission Chair will give you a cue to start your presentation and begin sharing your screen. To do this, click on "Share Screen" at the bottom of your screen. Please do not click on "Share Screen" until receiving the specific prompt from the Commission Chair to do so. Commission staff will then unmute you and you can begin to present for your allotted time. Commission Office staff will track your allotted time and give you a two minute warning before the end of your allotted time, subsequently remuting your line when your allotted time has concluded. Should there be any questions from the Commissioners or Planning staff requiring your response, you will again be unmuted.

Submittals / Public Comments. Instructions for public comment can be found on our website at <https://planning.lacity.org/about/virtual-commission-instructions> All written materials and/or additional comments must be submitted no later than **48 hours before** the Commission meeting. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to cpc@lacity.org.

Please let us know if you have any questions.

Best regards,
Milena

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E-NEWS

