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CPC-2015-1158-SN-TDR-MCUP-CUX-SPR
LITIGATION TOLLING AND
CORRECTED TFAR PAYMENT EXTENSION

September 9, 2024

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Dear Mr. Ye,

On December 12, 2017, the City Council approved Case No. CPC-2015-1158-SN-TDR-MCUP-CUX-SPR, which included an approval for a Transfer of Floor Area (TFAR) of up to 236,752 square feet of floor area (Project Approvals). The approval would permit the construction of a seven-story mixed-use building with a maximum of 300 hotel guest rooms, 435 dwelling units and 58,959 square feet of commercial space at 613 W. 11th Street and 1020 S. Figueroa Street. The building would have a maximum of 936,712 square feet of floor area and an 8.03:1 Floor Area Ratio (FAR). The approval of the transfer is subject to the receipt of the Public Benefit and TFAR Transfer Payments (TFAR Payments) required pursuant to Los Angeles Municipal Code (LAMC) Sections 14.5.9 and 14.5.10. The **Project Approvals** became effective on **December 12, 2017**, and to date, the Department of Building and Safety has not issued any building permits for the Project. In accordance with Condition of Approval No. 8.C.iii(2) the **TFAR Payments** are to be made prior to the issuance of a building permit or 24-four months after the final approval (including expiration of any appeals or appeal period) (**December 12, 2019**), whichever occurs first.

Between 2019-2023, the applicant submitted various requests for time extensions, specifically for the deadline to complete the TFAR Payments associated with the Project. This letter serves to clarify and correct which extensions apply to the TFAR Payments, and separately, the Project Approvals; and shall **supersede** all previous time extension letters. Below is a chronology of the requests and the facts to be corrected.

TFAR Payments

One-Year Time Extension Pursuant to LAMC Section 14.5.11

In June 2019, the applicant submitted a written request to extend the time in which to make the TFAR Payments by one additional year to permit the applicant to continue progress on construction plans and to secure financing for the project. Pursuant to LAMC Section 14.5.11, the Department of City Planning (DCP) granted a 12-month extension of the deadline to complete the **TFAR Payments** from December 12, 2019 to **December 12, 2020**.

Mayor's Tolling and Time Extension

On December 11, 2020, the applicant submitted a Mayor's Tolling and Time Extension Form, in accordance with Mayor Garcetti's Covid-19 Public Order (Public Order), related to the tolling of deadlines prescribed in the LAMC. DCP Staff responded via email that the deadline to complete the **TFAR Payments** would be tolled for six months, from December 12, 2020 to **June 12, 2021**. However, at this time, tolling would have automatically applied to all entitlements (including Conditions of Approval) effective during the Public Order, and the six-month time extension was not meant to be granted until after the conclusion of the Mayor Garcetti's Covid-19 Public Order.

Additional TFAR Payments Time Extension Request

On March 2, 2023, the applicant made an additional request, pursuant to LAMC Section 14.5.11, for a time extension to complete the **TFAR Payments**, which was denied by DCP in a letter dated May 8, 2023.

Litigation Tolling Pursuant to LAMC Section 12.25 B

At the time that the Additional TFAR Payments Time Extension Request was denied, tolling due to litigation had not been considered or included in the payment deadline. On January 11, 2018, litigation was filed challenging the Project approvals. The litigation, captioned *Golden State Environmental Justice Alliance v. City of Los Angeles*, was finally resolved, as of August 7, 2018. In accordance with LAMC Section 12.25 B of Chapter 1, Planning and Zoning Matters in Litigation, the time period to utilize the Project entitlements that have time limits would have been extended for a period of **209 days** beyond the periods the LAMC otherwise sets. Therefore, in conjunction with the requested 12-month extension pursuant to LAMC Section 14.5.11 and litigation tolling, the deadline to complete the **TFAR Payments** would be extended from December 12, 2020, to **July 9, 2021**.

Local Emergency Order Tolling and Time Extension

Pursuant to the Tolling and Conclusion of the Covid-19 Local Emergency Order Memo, time extensions under the Mayor's Public Order and the Local Emergency Ordinance shall not be combined. While the applicant submitted an application for the Mayor's Tolling and Time Extension, it was not processed in accordance with the Memo; as such, on August 13, 2024, the applicant was permitted to apply for a Local Emergency Order (LEO) Tolling and Time Extension *in lieu* of the previously requested Mayor's Tolling and Time Extension.

Therefore, pursuant to Article 6 of Chapter 1 (Local Emergency Temporary Regulations), and LAMC Section 16.02.1 (Relief from Specified Land Use Provision), the Director of Planning hereby tolls the deadline to complete the **TFAR Payments** by 1,092 days (tolling period of March 4, 2020 to February 28, 2023) and extends by 12 additional months, from July 9, 2021, for a new deadline of **July 5, 2025**.

Project Approvals and Development Agreement

On June 12, 2018, the City Council approved Case No. CPC-2015-1160-DA, for a Development Agreement by and between the City of Los Angeles and the Walter and Jia Juan USA Co., Inc., for the property located at 1020 S. Figueroa Street and ancillary locations. Pursuant to Section 7.2 (Term) of the Development Agreement, the expiration **Project Approvals** under related Case No. 2015-1158-SN-TDR-MCUP-CUX-SPR would be extended for a period of 10 years, or until **December 12, 2027**.

Additionally, pursuant to Section 7.5.3 of the Development Agreement (Extension of Term), the term of the Agreement shall automatically be extended for the period of time in which the parties are engaged in dispute resolution. Therefore, the term of the **Development Agreement** and related **Project Approvals** would also be extended for a period of 209 days, from December 12, 2027 to **July 8, 2028**.

As tolling does not apply to Development Agreements, the **Development Agreement** and related **Project Approvals** shall expire on **July 8, 2028**.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:



Milena Zasadzien
Principal City Planner