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SECONDARY SUBMISSIONS



Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

February 11, 2020

TO: City Planning Commission

FROM: Hagu Solomon-Cary, City Planner

TECHNICAL MODIFICATION TO THE RECOMMENDED ACTIONS AND BACKGROUND SECTIONS IN THE RECOMMENDATION REPORT FOR CASE NO. CPC-2019-4568-DB-CU-SPP-PSH-SIP; 1316 – 1328 WEST LINWOOD AVENUE.

The Department of City Planning staff respectfully requests that the City Planning Commission considers the following technical modification to the Recommended Actions and Project Analysis-Background section on pages 3 and A-2, respectively, of the Recommendation Report related to Item No. 6 on the meeting agenda at the City Planning Commission meeting of February 13, 2020. This technical modification clarifies the correct Public Resource Code section reference for AB 2162 and clarifies the building height limit as required by the Central City West Specific Plan. All other Recommended Actions are to remain as presented in the Recommendation Report.

Deleted text is shown in ~~strike through~~. Added text is show in *italicized underline*.

On Page 3 of the Recommended Actions

- Determine**, pursuant to Government Code Section 65651 and Public Resources Code Section 21080(b)(1) ~~and 21080.27(b)(1)~~, based on the whole of the record, that the Supportive Housing Project is Statutorily Exempt from the California Environmental Quality Act (“CEQA”) as a ministerial project.

On Page A-2 of the Project Analysis Section

Background

Zoning and Land Use Designation

The project site is located within the Westlake Community Plan. The adopted Community Plan designates the subject property for High Density Residential land uses corresponding to the R5 Zone. The project site is zoned R5(CW)-U/6 where “CW” indicates development regulations established by the Central City West Specific Plan (Ordinance Nos. 166,703, and 167,944, effective April 3, 1991

ITEM NO. 6

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and June 29, 1992, respectively) and amended by Ordinance No. 176,419 (effective April 19, 2005). The CCWSP was enacted as a means of balancing the high-intensity commercial and residential uses occurring in areas just west of Downtown. The CCWSP provides for regulatory controls and incentives for development within its boundaries; the regulations set forth in the Specific Plan take precedence over those in the LAMC wherever the Specific Plan makes greater or more restrictive provisions regarding land uses, setbacks, street dedications, densities, heights, open space or parking. The Specific Plan serves as the substitute ordinance and process for Site Plan Review requirements of LAMC Section 16.05.

The CCWSP identifies land use categories and height/floor area ratio districts that guide development on-site. The maximum height for the subject site is ~~75 feet~~ 1,168 feet Above Mean Sea Level, or 883-feet 11-inches above Grade, and the maximum FAR is 6.0:1. The land use and zoning allow density and setback regulations of the R5 Zone per the LAMC Section 12.12, and therefore consistent with the General Plan Land Use Designation (Exhibit B).

The site is also located within the Los Angeles State Enterprise Zone, a Transit Priority Zone, the Transit Oriented Communities (TOC) Tier 2 area.



February 10, 2020

Alan Como, City Planner
Department of City Planning
alan.como@lacity.org

To whom it may concern,

We are writing to you in support of the proposed 137-unit mixed-use development, including 16 dedicated Very Low Income units, at 511 S. Harbor Blvd, CPC-2019-2926-DB-SPR/ENV-2019-2927-CE. We urge the city to find the project Categorical Exempt from the provisions of CEQA, and to approve the project with the following incentives and waivers:

- 113 residential parking spaces in lieu of the 164 spaces required and 37 of the required parking spaces to be compact in lieu of the requirement that all required parking spaces be standard size
- A reduced side yard to allow 5 feet in lieu of 11 feet and a reduced rear yard to allow 5 feet in lieu of 20 feet
- To reduce publicly-accessible open space area to 4,000 square feet in lieu of the 5,000 square feet otherwise required
- To waive the Transitional Height requirements of LAMC Section 12.21.1 A.10, and allow the building height to be stepped back at a 45 degree angle from a horizontal plane originating 15 feet above grade at the property line of the adjacent lot in the Open Space zone

The greater Los Angeles region is facing a severe housing shortage. This project will provide much needed housing. By creating new housing in this neighborhood, it will help to reduce issues of gentrification and displacement in other parts of the region. Abundant Housing LA believes that these housing challenges can only be addressed if everyone in the region does their part.

This project is in a great location for housing. It is 1 block away from a Metro stop, and Route 205 runs between Willowbrook and San Pedro, with stops at medical centers, a college, and transit hubs. San Pedro DASH also stops 3 blocks away. An elementary school, middle school, and high school are all within 2 miles, and restaurants and parks are within easy walking and bicycling distance.

It is great to see the developer using the Density Bonus program to bring both market rate and badly needed affordable housing to the city. Affordable housing programs that depend on a percentage of new construction being affordable need a lot of new construction to have an impact, and the city should work to increase the number of developers using the Density Bonus.

Best Regards,

Tami Kagan-Abrams
Abundant Housing LA Projects Director

Central Area Planning Commission
Department of City Planning
200 North Spring Street
Los Angeles, California 90012

Re: **SUPPLEMENTAL JUSTIFICATION FOR APPEAL OF DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM**
Case Number: DIR-2019-274-TOC, Agenda Item #7
Project address: 843-849 N. La Brea Avenue

I. INTRODUCTION

Pursuant to the Los Angeles Municipal Code ("LAMC" or "Code"), Lucille Saunders and the La Brea Willoughby Coalition ("Appellants"), hereby file this supplemental justification for appeal of the Los Angeles Department of City Planning, Director's ("DCP") December 17, 2019 determination ("determination") regarding the construction project located at 843-849 N. La Brea Avenue ("project"). Appellants contend that the DCP exceeded its powers, or erred, and abused its discretion when it: 1) committed an ultra vires act by approving the project based on the Transit Oriented Community Guidelines ("TOC Guidelines"); 2) approved the project by failing to make a finding that the project incorporates a step-back for height increases over 11 feet under the TOC Guidelines or making such a finding without substantial evidence in the record in support thereof; 3) approved the project by failing to make a finding that each open space requirement has been met, or making such a finding without substantial evidence in the record in support thereof.

II. APPELLANTS' STANDING

Appellant La Brea Willoughby Coalition is a non-profit neighborhood association that represents homeowners, renters, and businesses in the LaBrea-Willoughby neighborhood of Hollywood. It has been and continues to be involved in protecting the quality of life of its members, and the character and scale of the neighborhood of which it represents. The project is located within the La Brea-Willoughby Coalition's service area. Appellant Lucille Saunders lives in the vicinity of the Project (approximately .01 miles away) and frequents the area where this project is located. Given this proximity, and the Coalition's interest in preserving the mass, scale and character of its neighborhoods, Appellants, and both of them, have an interest in development-related activities that violate the Los Angeles Municipal Code and other laws. Appellants are therefore considered aggrieved.

III. PROJECT BACKGROUND

The project is located in a C4-1VL zone, which has a maximum building height of 45 feet. The project proposes a maximum height of 65 feet and 1 inch. The project is subject to R4 zoning with respect to open space. The project sought and was granted deviations from the height and open space restrictions through application of the TOC Guidelines. Appellants have appealed that determination.

IV. REASONS AND POINTS ON APPEAL

**THE DCP'S APPROVAL OF THE PROJECT USED TOC GUIDELINES THAT SIGNIFICANTLY
DEPART FROM MEASURE JJJ AND THAT HAVE NOT BEEN APPROVED BY THE CITY
COUNCIL AND THEREFORE WAS AN ULTRA VIRES ACT**

The DCP is an executory agency, charged with faithfully implementing and enforcing the laws and policies enacted by the city's legislative body, the city council, or those enacted by ballot measure through the will of the voters. However, in approving this project, the DCP has decided to write its own laws (the TOC Guidelines) that significantly depart from the parameters set by the voters' ballot initiative, Measure JJJ. Thus, the DCP's approval of the project and its use of the TOC Guidelines has unlawfully usurped the legislative powers of the city council and the will of the voters.

The project's approval was based on the TOC Guidelines. However, the use of TOC Guidelines by the DCP is an ultra vires act, in that the TOC Guidelines significantly depart from the mandates of Measure JJJ and multiple zoning laws, all without approval by the city council or the people of Los Angeles. Measure JJJ does not authorize incentives for increased height or reduced open space. Thus, by using the TOC Guidelines that contain incentives for increased height and reduced open space to approve the project, the DCP has committed an ultra vires act.

THE DETERMINATION VIOLATES THE HEIGHT RESTRICTIONS IN THE TOC GUIDELINES

Appellants established above that the TOC Guidelines represent an ultra vires act of the DCP. Yet, the DCP did not even correctly apply the TOC Guidelines' height requirements to this project. Per the DCP's determination, the project qualified as a Tier 3 project, which permits an additional 22 feet above the zoning height limit. The underlying zoning height limit is 45 feet. The project is currently for a 65 foot, 1 inch high building. While the proposed height of the building is within the additional 22 feet provided by the TOC Guidelines, the TOC Guidelines **also require any height increases over 11 feet be stepped back at least 15 feet from the exterior face of the ground floor of a building that fronts a street.**

The project fronts a street. There is no provision for, or description of, the required 15-foot step-back in the DCP's Determination. Therefore, there the DCP also exceeded its powers or erred and abused its discretion by making a finding that is not supported by substantial evidence in the record and by failing to make a required finding that the condition for the additional height has been met.

THE DETERMINATION VIOLATES THE OPEN SPACE REGULATIONS

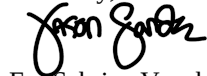
The Los Angeles Open Space element indicates that "Subdivision and zoning regulations should provide standards emphasizing natural and topographic values and constraints through: density and/or intensity limitations, establishment of access standards, availability of public services, consideration of natural hazards, employment of aesthetic as well as safety aspects of grading practices and environmental preservation. This is especially important with respect to preservation of vegetative cover and minimization of sheet erosion." (Open Space Element p. 7.)

The open space regulations are located in Los Angeles Municipal Code Section 12.21.G. Per LAMC Section 12.21.G.2, "residential buildings containing 6 or more units, shall provide at a minimum the following usable open space per dwelling unit: 100 square feet for each unit having less than three habitable rooms; 125 square feet for each unit having three habitable rooms; and 175 square feet for each unit having more than three habitable rooms." The TOC Guidelines relax this requirement through its incentive programs, but no such incentive was identified in Measure JJJ. Thus, the DCP exceeded its powers or erred and abused its discretion by approving the project using a TOC Guideline incentive not approved by the voters in passing Measure JJJ.

V. REQUEST FOR RELIEF

Appellants request that the Planning Commission grant the appeal and rescind and revoke the DCP's determination on the grounds set forth above.

Sincerely,



For Sabrina Venskus
Venskus & Associates, A.P.C.

For, and on behalf of, Appellants



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A PROFESSIONAL CORPORATION

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Central Area Planning Commission
Department of City Planning
200 North Spring Street
Los Angeles, California 90012

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Sincerely,



For Sabrina Venskus
Venskus & Associates, A.P.C.

For, and on behalf of, Appellants

February 10, 2020

File Number: 55MV-297942

BY E-MAIL

Los Angeles City Planning Commission
200 North Spring Street, Room 272
Los Angeles, California 90012
cpc@lacity.org

Re: Olympic Tower, 813–815 W. Olympic Blvd.; 947–951 S. Figueroa St.
CPC-2015-4557-MCUP-CUX-TDR-SPR-DD
CPC Hearing: February 13, 2020, 8:30 a.m., Item #8

Dear Commissioners:

This firm represents Capital Hall Partners (“Capital Hall”), the owner of the historic Hotel Figueroa at 939 South Figueroa Street. We write to express our concerns about the proposed Olympic Tower (“Project”), which will be located immediately adjacent to the Hotel Figueroa and threaten its physical integrity and continued operation.

As explained below and in our previous submittals, the Project’s height and massing are incompatible with the site and nearby historic resources, including the Hotel Figueroa. As proposed, the Project will cause significant and unmitigated environmental impacts, including with respect to noise and vibration, structural damage to nearby buildings, aesthetics and shading, and historic resources. The environmental impact report (“EIR”) prepared for the Project fails to adequately disclose, analyze, and mitigate these impacts as required by CEQA.

Accordingly, we request that you defer further action on the Project until after the developer updates the Project’s design to be compatible with surrounding development, and the City revises and recirculates the EIR to correct the numerous deficiencies identified below.

I. SUMMARY OF CAPITAL HALL’S INTERESTS AND CONCERNS

Capital Hall is a real estate investment and development firm based in Los Angeles. The firm is a longtime business owner and investor in Downtown, and is a proud supporter and participant in the ongoing redevelopment of the L.A. Live/Staples Center entertainment district.

In 2014, Capital Hall acquired the Hotel Figueroa—a 100-year-old, 285-room historic hotel, which is located immediately north of the Project site. Over the next three years, the firm undertook a complete renovation of the hotel, updating and restoring the rooms, the restaurant and bars, and the outdoor patio and pool areas. The renovations honored the hotel’s original design and rich history, including its important role in the women’s movement in Los Angeles.

After reopening in 2018, the newly-restored property won numerous awards and was named one of the best hotels in the world.

Capital Hall supports responsible and appropriate redevelopment of the Downtown Car Wash site, but it is deeply concerned about the lack of notice and outreach from the City and the developer, and about the Project's proposed design and significant environmental impacts. Save for a recent email from the developer's land use counsel on February 7, 2020, there has been no meaningful outreach to Capital Hall throughout the planning process.

With respect to process, Capital Hall has been following the Project since it was proposed, and it attended the Advisory Agency ("AA") hearing in August 2019. Capital Hall did not raise objections at that hearing because other commenters voiced concerns, and Capital Hall expected that the City decisionmakers would address them appropriately. Despite attending the AA meeting and owning the adjoining property, Capital Hall did not receive notice of the October 10 City Planning Commission ("CPC") hearing on the Project. This lack of notice severely prejudiced Capital Hall by preventing it from reviewing the Project materials, appearing at the hearing, presenting comments and testimony, and fully participating in the public review process. Because it was shutout of the hearing, Capital Hall was compelled to file an appeal of the CPC's decision so that it could provide input on the Project and have a voice in the process. Capital Hall's appeal remains pending at the City Council while the CPC completes its decision-making and recommendations on the Project. Capital Hall now submits these further comments in advance of the CPC's February 13 hearing to consider the Project's EIR and remaining entitlements.

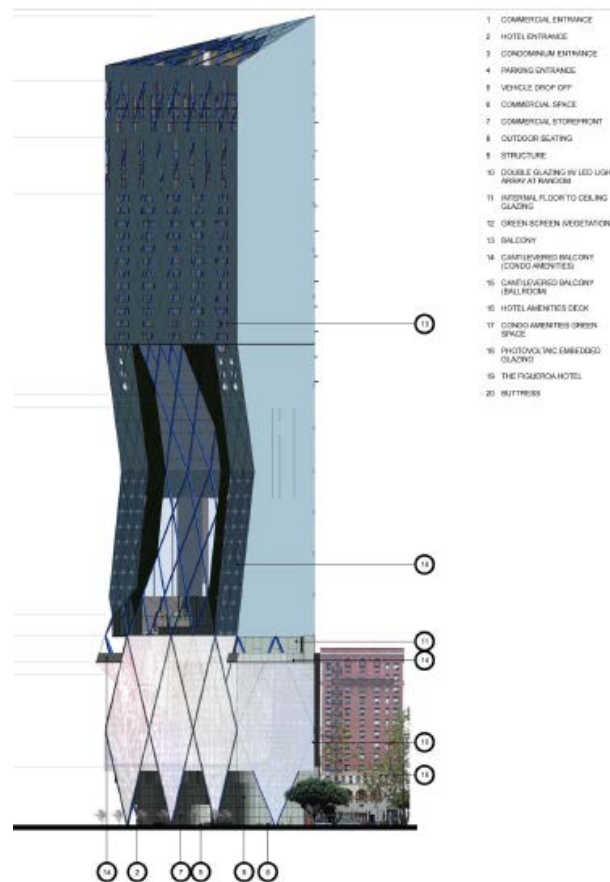
With respect to the merits, Capital Hall remains concerned that the Project's significant design and environmental issues have not been adequately addressed. Capital Hall is especially concerned about the Project's impacts on the Hotel Figueroa and the significant investment that Capital Hall has made in this important historic resource. As detailed below, the Project's current design is incompatible with the Hotel Figueroa, and Project implementation threatens vibration damage to the 1920s-era building, shading of the newly-renovated outdoor pool and bar areas, and loss of the building's historic integrity. The EIR does not fully evaluate these impacts and many others, and it does not impose legally adequate mitigation measures to address them. Most concerning, neither the City nor the Project applicant approached Hotel Figueroa to discuss these important issues during the planning and design process, despite the fact that the EIR imposes mitigation measures requiring cooperation between the Project and Hotel Figueroa.

II. THE PROJECT DESIGN IS INAPPROPRIATE FOR THE SITE AND MUST BE REVISED

The Project's height, massing, and density are not considerate of historic resources in the Project vicinity. The proposal includes a 58-story high-rise tower reaching 742 feet, and about 800,000 square feet of new development, resulting in an unprecedented 13:1 floor area ratio ("FAR"). The new development will include 374 condominium units (435,000 square feet); 373 hotel rooms (216,000 square feet); 65,000 square feet of retail/commercial uses; 33,000 square

feet of office uses; 42,000 square feet of conference center, ballroom, lobby, penthouse amenities, and other ancillary uses; and 838 parking spaces in a six-level subterranean garage and eight-level above-ground garage.

At the October CPC hearing, Planning staff reported that the “proposed development would fit within the range of other existing building heights surrounding the Project,” and the “Project’s podium is designed to be comparable with the Figueroa Hotel.” To the contrary, the 58-story Project will dwarf the adjoining 13-story Hotel Figueroa. This size disparity is illustrated, for example, by EIR Figure III-3 (North & East Elevation):



Even worse, the Project will be built to the Hotel Figueroa property line, with no setback. The Hotel Figueroa will be completely blocked on the southern frontage, and will lose air and sunlight. This will result in significant adverse effects on the hotel’s recently renovated pool and outdoor areas, including Rick’s cocktail bar. Additionally, Project construction is projected to last almost three years, which will result in significant disruption to Hotel Figueroa and the businesses and residents in the surrounding area over an extended period.

III. THE EIR FOR THE PROJECT IS INADEQUATE AND MUST BE REVISED AND RECIRCULATED

The EIR prepared for the Project fails to adequately analyze, disclose, and mitigate the Project's significant environmental impacts, particularly those affecting the Hotel Figueroa, as well as the people who live and work around the Project site. In addition to the specific comments presented below, Capital Hall adopts and incorporates by reference the objections and supporting technical data presented by other parties during the environmental review and land use entitlement process for the Project. Capital Hall also incorporates by reference its Appeal Justification, dated October 25, 2019, which is available in the Project's administrative record.

A. Noise and Vibration Impacts

Ganddini Group, and independent noise consultant, prepared an 87-page peer review of the EIR's noise analysis, which has been submitted to the Project's administrative record, along with its own 317-page noise impact analysis of the Project, which has also been submitted into the administrative record. Together, these two reports demonstrate that the EIR fails to adequately disclose, analyze, and mitigate the Project's significant noise and vibration impacts, and that the EIR's analysis is so flawed that it must be completely redone and recirculated. The key findings of the Ganddini report are briefly summarized below.

First, the EIR fails to adequately analyze the Project's construction noise impacts. The EIR's analysis is flawed because it fails to evaluate sensitive receptors; it relies on erroneous construction equipment assumptions; it fails to correctly model all phases of construction; and it incorrectly applies the City's CEQA thresholds. Ganddini's analysis shows that the Project will cause significant construction noise impacts, including on the Hotel Figueroa, which is a sensitive receptor due the presence of sleeping guests immediately adjacent to the construction site. The construction period is expected to last almost three years, resulting in lengthy and ongoing disturbances to the Hotel Figueroa and other nearby properties.

Second, the EIR's proposed mitigation measures for construction noise are woefully inadequate. The mitigations are limited to equipment mufflers and temporary sound barriers, which are unlikely to reduce the impacts to less than significant levels. Further highlighting this problem, the EIR fails to include sufficient quantitative analysis demonstrating how it would be possible for these mitigations to reduce impacts to an acceptable level. Ganddini has identified numerous additional mitigation measures that must be incorporated into the EIR to reduce construction noise impacts.

Third, the EIR completely fails to disclose, analyze, and mitigate the Project's traffic noise impacts. This analysis is warranted because the Project is adjacent to two roadways identified as Avenue I or Boulevard II roadways in the City of Los Angeles Mobility Plan 2035. Future traffic noise along these roadways has the potential to generate noise levels in excess of City standards.

Fourth, the EIR fails to adequately analyze and mitigate operational noise impacts, including amplified music and noise from outdoor areas, which will interfere with Hotel Figueroa's operations. The EIR lists possible sources of operational noise, but fails to provide any noise reference levels or calculations showing noise levels at nearby sensitive receptors. In doing so, the EIR fails to comply with the methodology required by the LA CEQA Thresholds Guide. Ganddini's independent noise impact analysis shows that the Project could result in significant operational noise impacts. Ganddini has also identified numerous additional mitigation measures that must be incorporated into the EIR to reduce these operational noise impacts to less than significant levels.

Fifth, the EIR fails to adequately analyze and mitigate the Project's vibration impacts. The EIR's analysis is flawed because it relies on an incomplete and inaccurate list of construction equipment. Ganddini's modeling shows that the Project has the potential to cause significant vibration impacts, which will result in physical and structural damage to the Hotel Figueroa if not properly mitigated. As further detailed below, however, the EIR's proposed mitigation measures for vibration impacts lack adequate performance criteria and are unenforceable. Ganddini has identified numerous additional mitigation measures that must be incorporated into the EIR to reduce these vibration impacts.

B. Structural Damage to Hotel Figueroa

The EIR admits that Project construction will result in significant vibration impacts on the Hotel Figueroa. The hotel is particularly sensitive to vibration damage given that it is a historic structure originally built in 1926. The EIR's proposed mitigation measures, however, are woefully inadequate to protect the Hotel Figueroa from physical damage, and they violate CEQA's requirements with respect to enforceability and performance standards.

Mitigation Measure I-3, for example, prohibits vibration sources within 10 feet of the Hotel Figueroa from operating simultaneously. However, the EIR does not explain how this limitation will be enforced or how it will avoid the potential for vibration damage. There is no evidence or analysis to support the conclusion that construction of this major development on the property line can be accomplished using only one piece of equipment at a time. (To the contrary, as explained in Ganddini's noise reports, this assumption is unrealistic and unjustified.) Moreover, even if it were feasible to restrict construction in this way, there is no evidence to support the conclusion that using only one piece of equipment at a time would avoid damage to Hotel Figueroa.

Mitigation I-5 is even more problematic. It requires the Project sponsor to conduct pre-construction surveys and to prepare and implement a structural monitoring plan for the Hotel Figueroa. The mitigation measure violates CEQA in two key respects. First, it does not include adequate performance standards for the structural monitoring plan, which are necessary to ensure that vibration impacts will not occur. Second, the measure is unenforceable by the City because it cannot be implemented without Hotel Figueroa's consent and cooperation, which has not been

asked for or given. Despite previously raising this issue, Capital Hall still has not been consulted about the proposed mitigation measure, and it remains concerned that the work called for in the structural monitoring plan may actually further damage the Hotel Figueroa.

John Labib + Associates (“JLA”), an independent structural engineer, has prepared a report analyzing the Project’s structural impacts on Hotel Figueroa, which was submitted to the Project’s administrative record. JLA’s structural report further confirms these significant deficiencies in the EIR, which must be corrected prior to Project approval.

First, the JLA report confirms that the EIR is missing significant information that is necessary for a complete, CEQA-compliant analysis of the Project’s structural impacts, including the following:

- The EIR does not include specific shoring or vibration mitigation plans, which are critical to analyzing and mitigating the impact of new construction on Hotel Figueroa.
- The EIR’s analysis is vague and the proposed mitigation measures lack specific performance standards, including standards for shoring deflection, proximity of the shoring system to the property line and building foundations, and vibration limitation.
- The EIR’s accompanying soils report provides general guidelines for excavation and monitoring during construction, but it fails to include specific plans detailing how these measures will be feasibly accomplished.

Second, the JLA report confirms that without adequate shoring and excavation mitigation measures, Project construction will cause significant damage to the Hotel Figueroa. This damage will include, but is not limited to, cracking of the concrete floor slabs, cracking of the walls, and damages to the finishes. This degree of structural damage will threaten the continued viability of this important historic building.

Third, the JLA report identifies additional mitigation measures that must be included in the EIR to address the Project’s structural damage to Hotel Figueroa. The EIR must incorporate mitigation requirements and standards requiring the Project to:

- Prepare appropriate shoring plans and calculations; account for all existing hotel building surcharges on the excavation; and implement conservative loading to limit impacts on the hotel building.
- Pot hole adjacent to the Hotel Figueroa and provide the location of the hotel foundation in relation to the new shoring system. Provide graphical sections

indicating the relationship of the hotel foundations and how they will not be impacted by the proposed shoring system and excavations.

- Underpin the Hotel Figueroa foundations adjacent to the excavation with piles that derive support below the proposed excavation. This must be sufficient to ensure that the foundations of the hotel do not settle which in turn will minimize settlement and therefore damage.
- Limit deflection of the proposed shoring system so that it does not result in damage to the existing Hotel Figueroa building. Limit deflection at the top of the shoring beams to ¼”.
- Prepare specific plans detailing measures for limiting vibration during construction.
- Prohibit pile driving during construction.
- Prepare pre-construction surveys of the existing Hotel Figueroa conditions.

Given these material deficiencies, the EIR must be re-drafted and recirculated, with correct vibration and structural analysis and effective and enforceable mitigation measures. Capital Hall remains willing to work with the City and the developer on these items.

C. Impacts to Historic Resources

The EIR fails to correctly disclose, analyze, and mitigate the Project’s impacts on cultural and historic resources, particularly the Hotel Figueroa. Historic Resources Group (“HRG”), an independent historic and planning firm, has prepared a peer review of the Project’s Historic Resources Report, which is available in the administrative record. HRG’s report confirms that the EIR’s analysis of historic impacts is erroneous, and that the Project will result in significant historic impacts.

It is undisputed that the Hotel Figueroa is an important historic resource. The building was designed by notable Los Angeles architect Lester H. Hibbard. It was constructed in 1926 by the YWCA, and over the subsequent decades, it played a key role in the women’s movement in Los Angeles. The property is listed on California Register and is eligible for listing on the National Register.

The Project is incompatible with the Hotel Figueroa and threatens its historic integrity. The Project site is located immediately south of the Hotel Figueroa. As currently designed, the Project will be built to the property line, with no setbacks, and it will tower dozens of stories and hundreds of feet above the Hotel Figueroa, completely blocking views of the property and eliminating its access to sunlight. As detailed above, Project construction will cause structural

damage to the building, and the EIR's proposed mitigation measures to reduce this impact are ineffective and unenforceable. Thus, contrary to the EIR, the Project will directly harm the physical integrity and historic significance of the Hotel Figueroa, resulting in a significant and unmitigated impact. The Project's design and the EIR must be revised to appropriately acknowledge and mitigate these impacts.

The Project also violates the Secretary of the Interior's Standards for the Treatment of Historic Properties. As the EIR acknowledges, the Project would have a significant impact if it would result in a significant adverse change in the significance of a historic resource. A substantial adverse change occurs, among other things, if the project does not conform to the Secretary of the Interior Standards. As the EIR puts it, "projects that may affect historical resources are considered to be mitigated to a level of less than significant if they are consistent with the Secretary of the Interior Standards . . ." In contrast, projects that are inconsistent with the Standards are not mitigated to less than significant. The EIR concludes that the Project's impacts are less than significant because it fully complies with the Secretary of the Interior Standards. This conclusion is erroneous and not supported by the evidence.

The HRG report demonstrates that the Project is inconsistent with Standard 9 regarding "related new construction." Standard 9 provides:

New additions, exterior alterations, or *related new construction* will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and *will be compatible with the historic materials, features, size, scale and proportion, and massing* to protect the integrity of the property and its environment.

The Project does not meet this standard for several reasons. First, the Project will rise to a height of 57 stories (742 feet), nearly five times higher than the Hotel Figueroa, which is only 13 stories (159 feet). Moreover, the buildings will have less than five feet of horizontal separation. As a result, the Project is fundamentally inconsistent with the Hotel Figueroa's size, scale and proportion, and massing. Second, the Project's proposed materials consist of a glass curtain wall system, with exposed metal beams and perforated metal screens. This is likewise inconsistent with the Hotel Figueroa, which features traditional surface materials such as brick and cement plaster. Because the Project is inconsistent with Standard 9, it will have a significant historic impact with respect to the Hotel Figueroa. As noted in the LA CEQA Thresholds Guide, an appropriate mitigation measure for this impact would be to require the developer to redesign the Project to be compatible with historical resources in the vicinity, including as to mass, height, materials, and setbacks.

Finally, the EIR admits that the Project will have significant historic impacts due the area's "high sensitivity for containing historic archaeological resources." It imposes a mitigation measure for this impact, but like many other mitigations in the EIR, it is also ineffective. It merely requires the Project sponsor to study and monitor for these resources during construction.

It fails to address what should happen if these resources are actually discovered, and it fails to impose adequate protections or treatments for any discovered resources. The EIR must be revised to appropriately mitigate this significant impact.

D. Aesthetic and Shadow Impacts

The EIR's analysis and mitigation of aesthetic impacts violates CEQA and is not supported by substantial evidence. Contrary to the EIR, the Project will cause significant and unmitigated aesthetic impacts. First, the Project will substantially degrade the existing visual character of the site and its surroundings because, as detailed above, the Project is dramatically out of scale with nearby development. Second, the Project will cause significant aesthetic impacts on surrounding historic resources, such as the Hotel Figueroa, Variety Arts Center Building, and Petroleum Building. The EIR fails to disclose or analyze these aesthetic-historic impacts, despite recent case law requiring it to do so. Third, the Project will cause significant shade and shadow impacts on sensitive receptors, particularly Hotel Figueroa and its recently renovated pool and outdoor areas.

As to shade and shadow impacts, Arquitectonica International Corporation, an independent architecture and planning consultant, has prepared a Shadow Analysis Report for the Project, which is included in the Project's administrative record. The report applied the shading criteria set forth in the Los Angeles CEQA Thresholds Guide, and modeled and diagrammed the shadows that the Project would generate at the winter and summer solstice. Arquitectonica's analysis shows that during the summer, the Project will cast shadows on Hotel Figueroa's pool and building light wells for five hours per day (11:00 a.m. to 3:00 p.m.), which exceeds the four-hour threshold set forth in LA CEQA Thresholds Guide. Likewise, during the winter, the Project will cast shadows on Hotel Figueroa for a full eight hours per day (9:00 a.m. to 5:00 p.m.), far in excess of the three-hour threshold set forth in the LA CEQA Thresholds Guide. Accordingly, the Project will have a significant and unmitigated shading impact, and will severely interfere with light sensitive uses at the Hotel Figueroa. In particular, the Project will shade the outdoor pool area throughout the day during the winter and during peak midday hours during the summer. The EIR fails to disclose, analyze, or mitigate this significant impact.

Instead of conducting a full analysis of aesthetic impacts, the EIR improperly relies on SB 743 to summarily conclude that the Project will have no aesthetic impacts. SB 743 deems aesthetic impacts not significant for mixed-use projects on urban infill sites within transit priority areas. However, this exemption *does not apply* to aesthetic impacts on historic or cultural resources like the Hotel Figueroa. Thus, by law, the City may not rely on SB 743 to completely avoid analyzing and mitigating the Project's aesthetic impacts. The EIR must be revised and recirculated to disclose and analyze the significant aesthetic impacts on the Hotel Figueroa and other historic resources, and to impose appropriate mitigation measures.

E. Other Environmental Impacts

As set forth in the Appeal Justification, the EIR also fails to adequately disclose, analyze, and mitigate the Project's environmental impacts with respect to air quality and greenhouse gas emissions, hazardous materials, land use, population and housing, and transportation, and it fails to analyze a reasonable range of alternatives. The EIR must be revised and recirculated to address these issues as well.

IV. Conclusion

Capital Hall supports appropriate redevelopment of the Downtown Car Wash site that is respectful and protective of the surrounding residents and businesses, including the Hotel Figueroa. As currently designed, however, the Project fails to do so. The developer and the City must correct the significant flaws in the Project's design and environmental review before final approval. Capital Hall asks that the Planning Commission defer further action on the Project until after the developer has updated the design and the City has revised and recirculated the EIR to address the deficiencies identified in this letter. Capital Hall looks forward to working with the developer and the City to address these issues.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Alfred Fraijo Jr.', with a stylized, looping flourish.

Alfred Fraijo Jr.
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:4812-9790-1236.4

CC: Sergio Ibarra, Los Angeles Department of City Planning
The Honorable Jose Huizar, Council District 14

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

February 11, 2020

Cecilia Lamas, Commission Executive Assistant
Sergio Ibarra, City Planner
c/o City Planning Commission, City of Los Angeles
200 N. Spring Street, Council Chamber Rm. 340
Los Angeles, CA 90012
cpc@lacity.org; sergio.ibarra@lacity.org

RE: ITEM 8, CPC HEARING SCHEDULED FEBRUARY 13, 2020; OLYMPIC TOWER PROJECT

Dear City Planning Commission:

On behalf of UNITE HERE Local 11 and its members (collectively "Local 11"), this Office respectfully provides the City of Los Angeles ("City") City Planning Commission ("CPC") the following comments in response to the staff report for the referenced Item 8 ("Staff Report")¹ regarding the Transfer of Floor Area Rights ("TFAR") Public Benefit Payment for the 57-story, 779,173-square-foot ("SF") Olympic Tower development ("Project") located at 813-815 West Olympic Boulevard in Downtown Los Angeles ("Site").

1. LOCAL 11'S APPEAL RESULTED IN \$1.14 MILLION MORE FOR THE CITY'S PUBLIC BENEFIT FUND.

Prior to the Project's last CPC hearing held on October 10, 2019, Local 11 brought to the City's attention, *inter alia*, that the Project's TFAR application relied on an outdated appraisal that undervalued the property as compared to similar TFAR project sites, and did not satisfy the requirements under the Los Angeles Municipal Code ("LAMC" or "Code")—resulting in the under assessment of the Project's TFAR Public Benefit Payment.²

Since then, due to Local 11's efforts, a new revised appraisal has been submitted.³ As summarized in the table on the following page, while the Project's original appraisal (i.e., \$594/SF) equated to \$22,060,502 in Public Benefit Payments, the revised appraisal (i.e., \$625/SF) equates to \$23,203,405 million. Hence, but for Local 11's efforts, the City would have been shortchanged \$1.14 million that now can be used to help fund affordable housing projects desperately needed during this housing crisis.

¹ See City (02/13/20) Item 8 Staff Report, <http://bit.ly/2H8waWa>.

² See Local 11 (10/7/19) RE: CPC Comments for Olympic Tower Project, PDF pp. 16-21, <http://bit.ly/2w9wbad>.

³ See Project (11/7/19) Revised Appraisal, <http://bit.ly/2Syyqv3>.

	Original Appraisal	Revised Appraisal	Increase in Public Benefit
Appraised or Purchase Price	\$ 22,000,220 ^a	\$ 23,140,000 ^b	
Appraised per SF	\$ 594	\$ 625	
Lot Area (SF)	37,031	37,031	
High Density Floor Area Ratio Factor	6.0	6.0	
40 Percent	0.40	0.40	
TFAR Transferred (SF)	556,987	556,987	
Full Public Benefit Payment Owed	\$ 22,060,502	\$ 23,203,405	\$ 1,142,903
Notes:			
[a]: Project (submitted 12/16/15) Original TFAR Application, http://bit.ly/2UIw13E .			
[b]: Project (revised 12/6/19) Revised TFAR Application, http://bit.ly/37iMWMK .			

2. THE CITY MUST CLARIFY A \$4.2 MILLION PUBLIC BENEFIT PAYMENT DISCREPANCY OWED FROM THE GRAND CENTRAL SQUARE DONOR SITE.

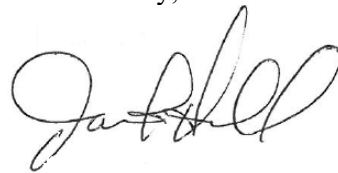
We question whether the Public Payment Benefit is missing for the Grand Central Donor site. Here, the 37,031-SF Site has a by-right 6:1 floor-area-ratio or 222,186 SF of development rights (*see* Staff Report, pp. A-1, A-4). To allow a total 779,173-SF development, the Project requires 556,987 SF of TFAR—including 455,161 SF from Convention Center donor site and 101,826 SF from a CRA property (i.e., Grand Central Square) donor site (*id.* at pp. 1, A-4, A-8, C-1).⁴ As shown in the above table, the full Public Benefit Payment owed to the City is \$23,203,405 for the total 556,987 SF of TFAR transferred to the Project Site (i.e., receiver site).

However, the Staff Report on page A-9 mentions only \$18,961,457 in Public Benefit Payment funds—essentially assessing only the 455,161 SF of TFAR from the Convention Center donor site. Hence, the Public Benefit Payment is missing \$4,241,948 for the 101,826 SF of TFAR from the Grand Central Square donor site. This needs immediate clarification.

As pointed out the Planning Directory's Executive Officer, Kevin Keller, the Public Benefit Payment is in fact owed for the Grand Central Square property.⁵ The Code is clear that the Public Benefit Payment is “independent” of the Transfer Payment (LAMC § 14.5.10), and that the Public Benefit Payment “shall” include all the TFAR square footage “transferred to the Receiver Site” (LAMC § 14.5.9.C). The City must address this \$4.2 million discrepancy before recommending the TFAR for City Council approval.

Local 11 appreciates the opportunity to provide these comments and to be the apparent impetus for the revised appraisal. However, Local 11 urges the City Planning Commission to withhold approval of the Project's TFAR request until the City confirms the full \$23,203,405 Public Benefit Payment is paid and/or conditioned in accordance with the Code. Please put this letter in the Project's administrative record.

Sincerely,



Jamie T. Hall

⁴ See also Project (revised 12/6/19) Revised TFAR Application, p. 1-3, <http://bit.ly/37iMWMK>.

⁵ See CPC (10/10/19) Item 6 Audio, hh:mm:ss 01:17:00-01:20:00, <http://bit.ly/2SfklDX>.



February 10, 2020

Los Angeles City Planning Commission
200 North Spring Street, Room 272
Los Angeles, CA 90012
Email: cpc@lacity.org

523 West Sixth Street, Suite 826
Los Angeles, CA 90014

213 623 2489 OFFICE
213 623 3909 FAX
laconservancy.org

RE: Olympic Tower Project, 813-815 West Olympic Boulevard; 947-951
South Figueroa Street, Los Angeles, CA 90015;
CPC-2015-4557-MCUP-CUX-TDR-SPR-DD
CPC Hearing: February 13, 2020, 8:30 a.m., Item #8

Dear Commissioners,

On behalf of the Los Angeles Conservancy, I am writing to share our concerns regarding the Olympic Tower Project's (Project) impact on the Hotel Figueroa. As stated in the Environmental Impact Report (EIR), potentially significant impacts may occur to the hotel during the construction of the Project. The Hotel Figueroa occupies the adjacent parcel to the north of the Project site filling the parcel lot line to lot line. Construction will occur at the lot line giving the Conservancy cause for concern.

Constructed in 1926, in the Italian Renaissance Revival style by Los Angeles architect Lester H. Hibbar for the YWCA, the Hotel Figueroa is both culturally and architecturally significant. When it first opened as a YWCA hotel, the building was wholly financed, owned, and operated by women. The property is listed in the California Register and has been determined eligible for listing in the National Register. With its proximity to the Variety Arts Center Building (formerly the Friday Morning Club) located across the street, the two buildings contribute to a significant corridor for women's history in Los Angeles.

The Conservancy's primary concern is the effect of the proposed construction on the structural integrity of the Hotel Figueroa. As stated in the Project's EIR, construction has the potential to reach levels of .89 inches per second at a distance of 25 feet. This level far exceeds the Caltrans 0.25 inches per second PPV damage threshold for "historic and some old



buildings.” Mitigation measures I-3, I-4, and I-5 appear to mitigate construction vibrations to a less than significant level but fail to detail implementation procedures. We feel it is the Project team’s responsibility to provide a complete plan for such mitigation measures.

Special consideration must be given to the structural monitoring program specified in mitigation measure I-5 and its structural survey of the Hotel Figueroa. It is the Conservancy’s understanding that the Project team has yet to contact the Hotel Figueroa ownership regarding any such survey. Furthermore, monitoring parties should be specified within the measure. With construction and excavation occurring at the property line, the Project team must take the necessary steps to guarantee no significant impacts will occur to the Hotel Figueroa as a result of construction.

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 6,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4205 or ldishman@laconservancy.org should you have any questions or concerns.

Sincerely,



Linda Dishman
President and CEO
Los Angeles Conservancy

Cc: Sergio Ibarra, Los Angeles Department of City Planning





Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

February 11, 2020

TO: City Planning Commission

FROM: Kathleen King, City Planner

ADDITIONAL INFORMATION/TECHNICAL MODIFICATION/CORRECTION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2016-3808-VZC-CDO-DD-SPR; 213 South Spring Street, 200-210 South Broadway, and 232-238 West 2nd Street

The following technical modifications are presented for your consideration to be incorporated into the Staff Recommendation Report at the City Planning Commission meeting of February 13, 2020 related to Item No. 9 on the meeting agenda. Deleted text is shown in ~~strikethrough~~ and added text is shown in underline.

Page Q-3, Q Condition Nos. 17-19

Signage

17. ~~[DELETED] Signage shall comply with L.A.M.C. Article 4.4, Sections 14.4.1 through 14.4.20. In no case shall the total sign area for wall signs for a single building exceed 1.5 square feet for each foot of linear building frontage.~~
18. ~~[DELETED] Each business or tenant shall be permitted one pedestrian sign limited to a maximum of six (6) square feet in size.~~
19. ~~[DELETED] The following signs are prohibited:~~
 - a. ~~billboards;~~
 - b. ~~supergraphic signs;~~
 - c. ~~canister (cabinet) signs;~~
 - d. ~~pole signs;~~
 - e. ~~monument signs;~~
 - f. ~~temporary signs;~~
 - g. ~~inflatable signs; and~~
 - h. ~~animated signs.~~

Page C-1, Condition No. 5b, e, g, and h

5. **Broadway Community Design Overlay.** Plans shall reflect that the Project is consistent with the following:
 - b. **Ground Floor Windows.** ~~Ground floor W~~indows and exterior doors shall use clear, non-reflective glass. Ground floor glass and materials shall, to the greatest extent practicable, be graffiti-resistant.

- e. ~~[DELETED] Lot Coverage.~~ The Project's tower element that exceeds 150 feet in height shall be limited to a lot coverage ranging from 8.31 percent (9,812 square feet) up to 10.48 percent (12,371 square feet).
- g. **Mechanical Equipment.** No mechanical equipment, such as air conditioner units, window vents, fans, etc., shall project beyond any window facing Broadway. Any rooftop or other mechanical equipment such as HVAC, satellite dishes, exhaust fans, solar panels, etc., shall be screened from the view to the greatest extent possible. All screening, excluding the parapet "crown" surrounding the roof of the building, shall be setback at least five feet from the edge of the building. Any other equipment, such as rain gutters, spouts, electrical conduits, etc., shall also be screened to the greatest extent practicable possible, painted to match building colors if necessary.
- h. **Telecommunications.** No new wireless telecommunications facilities are permitted without additional approval.

Page C-3, Condition Nos. 7 through 9

7. **In-Lieu Fee.** In accordance with Ordinance No. 185,573 an in-lieu fee shall be paid to cover the cost to procure and plant each required tree that cannot be accommodated on-site.
8. **Parking.**
- c. **Electric Vehicle Parking.** ~~All electric vehicle charging spaces (EV spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.~~ The project shall include at least 20 percent of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Five (5) percent of the total code-required parking spaces will be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five (5) percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
9. **Landscaping.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A, dated January 24, 2020. Minor deviations from the requirements provided below may be permitted by the Department of City Planning to permit the existing landscaping conditions provided that the plantings are well established and in good condition.

Page C-4, Condition No. 13

13. **Trash/Storage.**
- a. All trash collection and storage areas shall be located on-site and not more than incidentally visible from the public right-of-way.

Page C-5, Condition Nos. 15 and 16

15. **Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or ~~non-reflective~~ low-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
16. **Reflectivity.** Glass used in building façades above the ground floor shall be ~~non-reflective~~ low-reflective or treated with a ~~non-reflective~~ anti-reflective coating in order to minimize glare from reflected sunlight.

Page C-7, Condition No. 25

25. **Los Angeles Public Library.** As required by the City of Los Angeles Public Library (LAPL), the Applicant is required to pay a per capita fee of \$200.00 to LAPL, to be used for staff, books, computers, and other library materials. Fees shall be paid prior to issuance of a Building Permit.

DAY OF HEARING SUBMISSIONS

February 12, 2020

Los Angeles City Planning Commission
200 North Spring Street, Room 272
Los Angeles, California 90012
cpc@lacity.org

Item 8

CPC-2015-4557-MCUP-CUX-TDR-SPR-DD

CEQA: ENV-2015-4558-EIR; SCH No. 2016061048

Plan Area: Central City

Related Case: VTT-73966-CN-1A

RECEIVED
CITY OF LOS ANGELES
FEB 13 2020
CITY PLANNING DEPT.
AREA PLANNING COMMISSION

FILE COPY

Dear Commissioners:

I am the President and CEO of the YWCA Greater Los Angeles. The YWCA is dedicated to eliminating racism, empowering women, and promoting peace, justice, freedom, and dignity for all. We write to express our deep concerns about the proposed Olympic Tower Project, which threatens the Hotel Figueroa, a historic landmark built by the YWCA and central to the women's movement in Los Angeles.

The historic Hotel Figueroa was built by women, for women. In 1926, the YWCA financed and constructed the building, and then opened and operated it as a women's hotel. During this era, it was unsafe for women to travel alone, and solo female travels were prohibited from checking into most hotels without a male chaperone. As a female-only haven, the Hotel Figueroa quickly became a focal point of the women's movement in Los Angeles. Female travelers and professional women came to the hotel from around the world and formed diverse and intellectual women's collectives that produced powerful art and activism. The Hotel Figueroa supported the women's movement, holding press conferences and political rallies against sexism, racism, and other social issues.

Given its integral role in the history of the City, the women's movement, and the YWCA, the Hotel Figueroa must be preserved for future generations. The City would never think of destroying other historic buildings from the same era—such as the Hollywood Studio Club or City Hall. It should not treat Hotel Figueroa any differently.

For this reason, the YWCA is deeply concerned about the Olympic Tower Project. The Project's massive design is completely incompatible with the Hotel Figueroa, and threatens its physical and historic integrity.

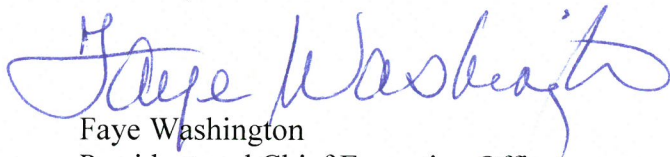
for every woman

Built to the property line and towering hundreds of feet overhead, the Project will dwarf the Hotel Figueroa, block public views, and eliminate the hotel's access to sunlight. As shown in the EIR, Project construction will cause major structural damage to the Hotel Figueroa, which threatens to destroy this treasured resource.

The YWCA is also deeply concerned about the City's failure to follow proper noticing procedures, which has excluded the owners of the Hotel Figueroa and others from participating in the public planning process.

The Olympic Tower Project, as currently designed, threatens to destroy the Hotel Figueroa and remove a piece of women's history. This is unacceptable. We ask that the City require the developer to redesign the Project and implement additional mitigation measures to protect the integrity of the hotel building and ensure that it is preserved for future generations.

Sincerely,



Faye Washington
President and Chief Executive Officer
YWCA Greater Los Angeles

cc: Sergio Ibarra, sergio.ibarra@lacity.org

for every woman

FILE COPY

RECEIVED
CITY OF LOS ANGELES

FEB 13 2020

CITY PLANNING DEPT.
AREA PLANNING COMMISSION

February 12, 2020

City of Los Angeles, Department of City Planning
200 N. Spring St
Los Angeles, CA 90012

Re: **CPC-2016-3808-VZC-CDO-DD-SPR**

FILE COPY

To Whom it May Concern:

I am writing to express my strong support for the proposed 222 W. 2nd Street project.

The project will bring much-needed housing to a transit-rich, walkable corner of our City core. It will incorporate an impressive share of workforce housing units. It will fill a gnawing gap in the pedestrian fabric of Downtown. And it will do all of this with excellent urban design and significant sustainability features.

This project will significantly enhance the community while helping address our housing crisis.

I strongly urge you to APPROVE the project as proposed.

Sincerely,



Mott Smith
4522 Palmero Dr.
Los Angeles, CA 90065

213-445-5283



Department of City Planning

City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

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CITY OF LOS ANGELES

FEB 11 2020

CITY PLANNING DEPT.
AREA PLANNING COMMISSION

FILE COPY

February 13, 2020

TO: City Planning Commission
FROM: Kathleen King, City Planner

ADDITIONAL INFORMATION/TECHNICAL MODIFICATION/CORRECTION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2016-3808-VZC-CDO-DD-SPR; 213 South Spring Street, 200-210 South Broadway, and 232-238 West 2nd Street

The following technical modification is presented for your consideration to be incorporated into the Staff Recommendation Report, specifically Exhibit C Amended Mitigation Monitoring Program, at the City Planning Commission meeting of February 13, 2020 related to Item No. 9 on the meeting agenda. Deleted text is shown in ~~strikethrough~~ and added text is shown in underline.

TR-PDF-2: The Project Applicant shall prepare and implement a Transportation Demand Management (TDM) Program to reduce peak-hour vehicular traffic to and from the Project Site. A formal Preliminary TDM Plan shall be developed in conjunction with LADOT and shall be required prior to issuance of a building permit for the Project. This preliminary plan shall include, at a minimum, measures consistent with the City's Trip Reduction Ordinance. A Final TDM Plan shall be required prior to issuance of any Certificate of Occupancy. A Covenant and Agreement shall be enacted to ensure the TDM plan is maintained. The TDM plan may include, but shall not be limited to, the following measures:

- LADOT Mobility Hub Program – The Project Applicant shall make a one-time fixed-fee contribution of \$100,000 to LADOT to be used in the implementation of the Mobility Hub in the general area of the Project.



49
www.dlanc.org
P.O. Box #13096
Los Angeles, CA 90013-0096

June 17, 2019

Los Angeles Department of City Planning
Office of Zoning Administration, 7th Floor
200 North Spring Street
Los Angeles, California 90012

RECEIVED
CITY OF LOS ANGELES

FEB 13 2020

CITY PLANNING DEPT.
AREA PLANNING COMMISSION

FILE COPY

RE: **Planning Case No:** CPC-2016-3808-VZC-CDO-SPR; VTT-74320; ENV-2016-3809-EIR
Project Address: 213 S Spring St, 200-210 S Broadway, 232-238 W 2nd Los Angeles, CA 90012
Applicant: Murray McQueen/CA-LATS South LLC (c/o Tribunc Real Estate Holdings LLC)
Project Description: Construct a 56-story mixed-use building consisting of 680 residential condominium units and approximately 10,000 square feet of ground floor commercial area on a site that is currently used as a surface parking lot and has a five story parking structure. The Site will also be the future home of a 2nd Street/Broadway Metro rail station for the Regional Connector, which is currently under construction.

Dear Zoning Administrator:

At our regularly held public meeting on June 17, 2019, the Board of Directors of the Downtown Los Angeles Neighborhood Council ("DLANC") voted to support the below request, pursuant to the motion passed on May 21, 2019, by DLANC's Planning & Land Use Committee ("PLUC").

DLANC supports the Applicant's request listed below:

1. Vesting Zone Change to amend Ordinance No. 180,871 to eliminate or modify [Q] Condition No. 7 (minimum and maximum lot coverage for towers) to reflect the project's proposed design (LAMC Sec.s 12.32 G and 12.32 Q).
2. Site Plan Review for a project with an increase of 50,000 square feet of non-residential floor area and 50 or more dwelling units (LAMC Sec. 16.05).
3. Design Overlay Plan Approval for a project in the Broadway Community Design Overlay (CDO) Zone (LAMC Sec. 13.08 E).
4. Vesting Tentative Tract Map No. 74320 for a 10-lot airspace subdivision for merger, resubdivision and condominium purposes, with a request for haul route approval (LAMC Secs. 17.01 & 17.15).

June 17, 2019

Page 2

In DLANC's view, the information presented provides adequate justification for granting Applicant's requests. *Subject to the conditions set forth below* and any additional conditions recommended by the LAPD or City Council, DLANC encourages the Los Angeles Department of City Planning to approve the Applicant's project.

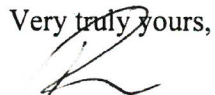
CONDITION 1: Applicant will maintain pedestrian access if the sidewalk is temporarily closed during construction;

CONDITION 2: Applicant will ensure any temporary walkways covered due to construction (e.g., scaffolding) are well-lit;

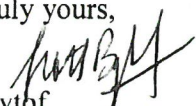
CONDITION 3: Storefront of ground floor retail is transparent to allow for eyes on the street and pedestrian safety.

If possible, please provide a digital copy of your decision letter by mail to planning@dlanc.com instead of sending a hard copy. Thank you in advance for your consideration of the comments presented in this Letter.

Very truly yours,


Patricia Berman
DLANC President

Very truly yours,


Scott Bytof
DLANC Planning & Land Use Committee Chair

CC: Shawn Kuk (Council District 14) (via email)
Sgt. Rogelio Dela Cruz (Los Angeles Police Department) (via email)
Anne Williams of PSOMAS / anne.williams@psomas.com (via email)

ITEM # 7

843 N. LA BREA

RECEIVED
CITY OF LOS ANGELES

FEB 13 2020

CITY PLANNING DEPT.
AREA PLANNING COMMISSION

three6ixty

October 14, 2019

Ms. Hagu Solomon-Cary
City of Los Angeles
Department of City Planning
200 N. Spring St., Room 621
Los Angeles, California 90012

FILE COPY

RE: RESPONSES TO PLANNING/URBAN DESIGN STUDIO COMMENTS
DIR-2019-274-TOC | ENV-2019-275-EAF
843-849 N. La Brea Avenue, Los Angeles CA 90038

Dear Ms. Solomon-Cary:

Thank you for your email of September 24, 2019 in which you attached comments from Planning and the Urban Design Studio (UDS) review meeting that occurred in May 2019. Below please find responses to those comments so that you may complete your review of the Project:

DCPA

- Update the project description per my comments for plans (e.g., FAR, building height, setbacks)

Response: None of the plans comments require changes to the DCP application. All data changes have been updated on the Project's Attachment A.

EAF

- Provide consistent project description as plans.

Response: As the Project is now pursuing a statutory CEQA exemption under AB 1197, no update to the EAF is necessary.

Plans

- Sheet A1.00 - Round up the proposed FAR to 3.05:1
- Sheet A1.00 - Show correct building height as measured from grade to the highest point of the roof, structure, or parapet wall, whichever is highest
- Sheet A1.00 - The width of the side yard is the minimum horizontal distance between the nearest point of the side lot line toward the nearest part of the main building. Show the proposed side yard as 6'-0 1/4" and remove "To 6'-2 3/4"'"
- Sheet A1.00 - The 25% landscaping requirement is calculated using the total amount of exterior common open space proposed, which in this case is 2,265 SFx25%=566.25 SF. Recalculate the required landscaping SF

- Dimension the building height from grade to the highest point of the roof, structure, or parapet wall, whichever is highest, in the elevations and sections
- Show the 15' stepback distance from the exterior face of the ground floor of the building in the north and south elevations
- Show consistent landscaping SF and tree information in the landscape plan and the cover sheet of the architectural plans
- The landscape plan shows three Peppermint Trees and six Toyon trees, but the tree legend shows otherwise. Provide consistent information

Response: Completed. Refer to updated plans dated 10/11/19.

UDS Comments (5/16/2019)

- Landscaping
 - Consider providing seating/activity area in the courtyard
 - Consider providing trees on the roof deck for shade
 - Consider providing taller trees along the roof deck for screening
 - Consider native plants for landscaping
 - See soil depth brochure for landscaping (see attached to email dated 9/24/19)

Response: Noted. Final landscape plan will be produced during DD phase, and will consider these suggestions.

- Windows
 - Consider larger windows for the office located at the north elevation.
 - Consider providing more glazing on the ground floor east elevation for office and bedrooms.
 - Consider providing larger windows on south and north elevations.

Response: Noted. Plans have since been updated to incorporate requested changes from neighborhood outreach.

- Consider providing lighting along the alley for safety.

Response: Noted.

- Consider putting awnings on the west elevation to create articulation and on the south elevation for shade.

Response: Noted. Plans have since been updated to incorporate requested changes from neighborhood outreach.

Sincerely,
three6ixty

Jason D. Friedman, AICP



RECEIVED
CITY OF LOS ANGELES

FEB 13 2020

CITY PLANNING DEPT.
AREA PLANNING COMMISSION

DAVID E. RYU

COUNCILMEMBER, FOURTH DISTRICT

February 12, 2020

FILE COPY

City Planning Commission
200 N Spring Street, Room 272
Los Angeles, CA 90012

**RE: PROPOSED TECHNICAL MODIFICATIONS TO CPC-2019-6203-CA REGARDING
SENSITIVE SITE PROVISIONS RELATING TO COMMERCIAL CANNABIS ACTIVITY**

Dear Commissioners,

Our office wishes to raise a concern regarding the proposed technical changes referred to page 3 of the staff report under "Additional Items Not Requested by City Council", namely changes that "modify several of the dating criteria for sensitive sites to aid DCR in verifying the date a particular site came into existence."

The report further reads:

"... the proposed ordinance modifies several of the criteria used to determine when an individual sensitive site came into existence. Depending on the specific site category, the modified criteria include the date the site became licensed by the appropriate agency, the date it appeared on an official list of facilities, and/or the date it actually began operating. The modified criteria are intended to be easier for DCR to verify and will facilitate the orderly implementation and enforcement of the location restrictions."

Previous drafts of the ordinance language were inclusive of sensitive site locations which had been permitted, however the current draft (Sec. 3. Subsection (c) (4) of Section 105.02) reads:

"(4) A Public Park, Public Library, or private School, if the date the Applicant applied for a City license for the Commercial Cannabis Activity to operate in the location identified by the Applicant in its application was prior to the date the Public Park, Public Library, or private School: received a permit, authorization or approval for a Public Park, Public Library, or School and began to operate as a Public Park, Public Library, or private School..."

Our office is sympathetic to the complexities of the DCR regulatory process however we raise issue with the term "and began to operate". This change in standard would seem to exclude sensitive uses that are in active permitting and construction. We are concerned that fully permitted, funding allocated, imminent construction of parks or schools will be excluded the way the ordinance language has been drafted.



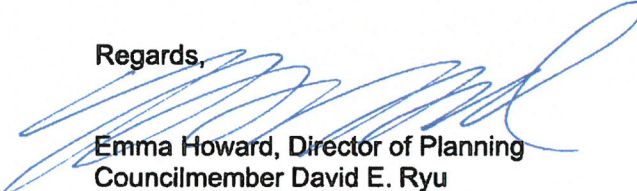
Y903
As an example, issues may arise in instances such as school operations. Schools often apply for Master Conditional Use Permits (MCUP) which plan out decades of future use at a site. If a school has an approved MCUP, will a cannabis use be allowed within the prohibited sensitive site radius of a new classroom that was fully authorized and permitted 5 years ago and is planned to be built? What if a school is fully constructed and finalized during a school recess, and a cannabis operation applies during the time period where school is yet to be in session even though the physical building exists and the occupation and operation is scheduled? The language in the draft would seem to suggest that even applications one day before the scheduled start of a school term might receive vesting rights, even though these sensitive sites would seem to have established similar or stronger vesting rights in comparison.

What process is the Department of Cannabis Regulation (DCR) intending to use to verify an existing sensitive use has "begun operation"? We understand the intent behind the change as stated in the report to ensure that publicly owned land which is not a sensitive site would not de-facto qualify as a sensitive site. But we believe the language as currently written may move too far in the opposite direction and disqualify planned and imminent sensitive sites that are much further along in the approvals process than these proposed cannabis applications.

Therefore, we respectfully request that the Commission strike the language "and began to operate as a Public Park, Public Library, or private School" or change the "and" operate to an "or".

Thank you for your consideration.

Regards,



Emma Howard, Director of Planning
Councilmember David E. Ryu
Council District Four