

Holland & Knight

400 South Hope Street, 8th Floor | Los Angeles, CA 90071 | T 213.896.2400 | F 213.896.2450
Holland & Knight LLP | www.hklaw.com

Ryan M. Leaderman
+1 213-896-2405
Ryan.Leaderman@hklaw.com

January 14, 2020

VIA E-MAIL AND HAND DELIVERY

Deputy Advisory Agency
Los Angeles Department of City Planning
c/o Milena Zasadzien
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012

**Re: Case No.: VTT-74531-CN Request for Modifications/ENV-2016-4630-EIR/1045
S. Olive Street, Los Angeles, California**

Dear Milena:

On behalf of 1045 Olive, LLC thank you for assisting with the processing of the entitlements for the 1045 Olive project (the “Project”) as well as preparing a very thorough and comprehensive staff report. The Tract Map for the Project, i.e., VTT-74531 proposes the merger of the Project Site’s existing lots into a single master ground lot over the entire site, and the creation of 17 airspace lots for condominium purposes to accommodate the various components of the Project.

Through this letter, we are hereby submitting our requests for modifications to the staff report conditions. These modifications are reasonably necessary for the Tract Map and are in conformity with the spirit and intent of Sections 17.03 and 17.15 of the Los Angeles Municipal Code and the California Subdivision Map Act. With this letter, please also find attached an updated haul route application, and an errata to the Project’s Environmental Impact Report (“EIR”) that addresses the changes in the haul route application. The errata demonstrates that there are no new significant impacts as a result of the changes to the excavation numbers.

I. REQUESTED MODIFICATIONS TO DECISION LETTER CONDITIONS

Please see below the requests for modifications to the language of the decision letter conditions for VTT-74531. Please note that text appearing in a ~~striketrough~~ format is requested for deletion and text appearing in a **bolded, underlined** format is requested to be added.

- Condition 1 currently states:

1. That a 2-foot wide strip of land be dedicated along 11th Street adjoining the tract to complete a 32-foot wide half right-of-way in accordance with Modified Collector Standards of the LA Mobility Plan. In addition, a 20-foot radius property line return or 15-foot by 15-foot property line cut corner be dedicated at the intersection of 11th Street and Olive Street.

11th Street and Olive Street are both one way streets where cars can never go southbound on Olive Street since Olive Street is one-way northbound street adjacent to the Project. The corner cut is unnecessary for visibility concerns since cars will never travel southbound on Olive Street and be able to make a right turn onto westbound 11th Street. However, the Applicant wishes to provide the required corner cut at street level should it be needed in the future. Providing the corner cut at street level will also ensure adequate public sidewalk for ADA path of travel behind the curb return and ADA ramps. In order for the Project to be feasible, parts of the Project above and below a certain elevation will encroach into the property line corner cut. The dedication of the 15-foot by 15-foot property line corner cut at street level will satisfy the intent of the dedication and meet the needs of the Project. We respectfully request the language to be modified as follows:

1. That a 2-foot wide strip of land be dedicated along 11th Street adjoining the tract to complete a 32-foot wide half right-of-way in accordance with Modified Collector Standards of the LA Mobility Plan. In addition, a 20-foot radius property line return or 15-foot by 15-foot property line cut corner be dedicated at the intersection of 11th Street and Olive Street **limited to an upper elevation 40-feet above the sidewalk surface and a depth of 5-feet below the sidewalk surface.**

- Condition 2 currently states:

2. That a 3-foot sidewalk easement be provided along 11th Street adjoining the dedication stated above in accordance with Downtown Street Design Guide. Also, the proposed below and above the grade encroachments into the proposed sidewalk easement shall be approved by the Planning Department.

In order for the Project to be feasible, parts of the Project above a certain elevation will encroach into the sidewalk easement. Thus, we ask that the sidewalk easement be limited in height. We respectfully request the language to be modified as follows:

2. That a 3-foot sidewalk easement be provided along 11th Street adjoining the dedication stated above in accordance with Downtown Street Design Guide **limited from the sidewalk surface to an upper elevation of 40' above the finished sidewalk surface.** ~~Also, the proposed below and~~

~~above the grade encroachments into the proposed sidewalk easement shall be approved by the Planning Department.~~

- Request for addition of new BOE Condition:

In order for the Project to be feasible, parts of the Project above and below a certain elevation will encroach into the existing 5-foot easement along S. Olive Street referenced as Case No. 175,836 recorded January 11, 1929 in Book 7374 Page 205 of Official Records as shown on the Vesting Tentative Tract Map. Thus, we ask that these areas be merged back with the tract while still allowing for the 45-foot half right-of-way at street level along with the requested sidewalk improvements. We respectfully request that the following condition be added:

BOE Condition #X. That the following areas be merged back with the tract: the existing 5-foot street easement along Olive Street between 40-feet and 45-feet from the centerline beginning 5-feet below grade and 40-feet above grade.

- Condition 23(p) currently states:

23(p). Hauling hours of operation are restricted to the hours between 9:00 A.M. and 3:30 P.M., Monday through Saturday.

In an effort to reduce the overall duration of hauling, the Applicant seeks to reduce the number of hauling days by starting at 7:00 A.M. so that more trips can be made each day. The analysis done as part of the EIR analyzed a 7:00 A.M. start time for hauling and found no significant impacts. Thus, we ask that the requested hauling hours of operation be restricted to the hours between 7:00 A.M. and 3:30 P.M. We respectfully request the language be modified as follows:

23(p). Hauling hours of operation are restricted to the hours between ~~9:00 A.M.~~ **7:00 A.M.** and 3:30 P.M., Monday through Saturday.

- Condition 23(r) currently states:

23(r). A total of up to 250 roundtrips (i.e. 125 one-way) truck trips per day will occur over an estimated 157 work days of hauling.

Because of the earlier start time and in an effort to more precisely capture the overall duration of the hauling period, there can be a reduction in the estimated number of days of construction. We respectfully request the language be modified as follows:

23(r). A total of up to 250 roundtrips (i.e. 125 one-way) truck trips per day will occur over an estimated ~~157~~ 91 work days of hauling.

- Condition 23(s). Haul vehicles are 14.0 cubic yard capacity double-bottom dump trucks or smaller for the grading and excavation phase. For the site preparation phase, haul vehicles are 20.0 cubic yard capacity double-bottom dump trucks or smaller. For the demolition phase, haul vehicles are 10.0 cubic yard capacity double-bottom dump trucks or smaller.

In an effort to simplify the hauling, the Project team would utilize up to 14.0 cubic yard capacity double-bottom dump trucks or smaller. We respectfully request that the language be modified as follows:

~~23(s). Haul vehicles are 14.0 cubic yard capacity double-bottom dump trucks or smaller for the grading and excavation phase. For the site preparation phase, haul vehicles are 20.0 cubic yard capacity double-bottom dump trucks or smaller. For the demolition phase, haul vehicles are 10.0 cubic yard capacity double-bottom dump trucks or smaller.~~

- Condition 23(u) currently states:

23(u). Total net export of soil is approximately 80,520 cubic yards. An additional 520 cubic yards of site preparation material and 3,410 cubic yards of demolished materials will also be hauled.

The Project team has refined the proposed cubic yardage to be included in the hauling activities as outlined in the ERRATA prepared by ESA. The estimated total cubic yardage of haul is expected to be approximately 89,713 cubic yards, inclusive of approximately 85,783 cubic yards of soil. We respectfully request that the language be modified as follows:

23(u). Total net export of soil is approximately ~~80,520~~ 89,713 cubic yards including site preparation and demolished material to be hauled.

- Condition 24 is titled: “Tribal Cultural Resource Inadvertent Discovery.”

Condition 24 is not consistent in several respects with Cultural Resources Mitigation Measure CULT-MM-2 which addresses inadvertent discovery of archaeological resources and tribal resources. For internal consistency and to avoid duplication, we respectfully request that Condition 24 be made to be consistent with CULT-MM-2 or that it be deleted since CULT-MM-2 already addresses archaeological resources and tribal resources.

Deputy Advisory Agency
Los Angeles Department of City Planning
c/o Milena Zasadzien
January 14, 2020
Page 5

Thank you for your time and consideration in this matter. If you have any questions or require additional information, please do not hesitate to contact me at 213.896-2405.

Sincerely,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Ryan M. Leaderman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ryan M. Leaderman

Attachments