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May 9, 2014

VIA EMAIL AND HAND DELIVERY

Planning and Land Use Management Committee
Los Angeles City Council
City Hall, Room 395
200 North Spring Street
Los Angeles, CA 90012

Re: Di Vinci Project Site Plan Review Modification Request for Pedestrian Bridge
(Case No. DIR-2013-3749-SPR)

Dear Honorable Chair Huizar and Councilmembers Cedillo and Englander:

We appreciate the Council asserting jurisdiction pursuant to Section 245 of the Los Angeles City Charter over the pedestrian bridge linking the apartment buildings of the Di Vinci Project across Temple Street at the 110 Freeway. The Di Vinci Project is located in an isolated northwest corner of Downtown at the corner of the 110 and 101 freeways, and is adjacent to large freeway overpasses and a multi-level parking structure. There are no nearby residential or active evening uses in this area, and there is virtually no nighttime pedestrian activity. To provide a safe alternative route for internal resident access, we request your approval of a modified Site Plan to include the elevated pedestrian bridge.

Although the proposed bridge was supported by Council District 14, the Downtown LA Neighborhood Council, Central City Association, Downtown Center Business Improvement District and many community stakeholders, the Central City Area Planning Commission voted to deny Palmer's appeal from the Planning Director's Determination denying the requested Site Plan. Enclosed is a copy of the April 4, 2014 submission to the Central City Area Planning Commission.

The area surrounding the Project site (and the tunnel under the 110 freeway) are often congregating places for homeless persons. In addition, within a one-mile radius of the Project site crimes are occurring at an average of 3 to 4 crimes per day. Notably, as detailed in an L.A. Times article, Hollywood star Zac Efron and his bodyguard were recently assaulted under the 110 Freeway overpass adjacent to the Project site. (See April 4, 2014 submission to the Central Los Angeles Area Planning Commission at Exhibit C.)

There are no applicable City planning policies or guidelines that prohibit pedestrian bridges. The only arguably relevant policies are related to encouraging pedestrian activity in the

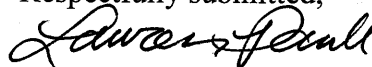
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Downtown Design Guide, and the Project with its substantial public and pedestrian-oriented amenities fully satisfies those policies. The Project will provide numerous public amenities to enhance the streetscape including over 10,000 square feet of ground-floor commercial uses, a public plaza and seating, a new traffic signal and pedestrian crosswalk, landscaping, street trees, and sidewalk paving. A pedestrian bridge for internal circulation will not detract from those benefits or the increased pedestrian environment the Project was designed to create. The bridge also will not take residents away from walking to other nearby uses in Downtown.

The PLUM Committee need only find that the Project as a whole, including the bridge, satisfies the Site Plan Review findings – the bridge should not be evaluated separately from the entire Project. When evaluated as a whole, based on the Project's substantial pedestrian amenities, the Project including the bridge is consistent with all City planning policies and satisfies the Site Plan Review findings. Updated Site Plan Review findings that reflect the inclusion of the bridge are provided at Exhibit A.

We respectfully request that the PLUM Committee approve the request for a modified Site Plan to include a pedestrian bridge.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Duncan Joseph Moore". To the right of the signature is a circled initial, possibly "DJM".

Duncan Joseph Moore
of LATHAM & WATKINS LLP

Enclosures

Exhibit A

SITE PLAN REVIEW FINDINGS
DIR-2013-3749-SPR

The subject property consists of two non-contiguous development sites, one which encompasses the entire block bounded by Figueroa Street on the east, Temple Street on the south, the 110 Harbor Freeway on the west, and the 101 Hollywood Freeway on the north. The other is located directly to the south across Temple Street, occupying the entire block bounded by Fremont Avenue on the east, Mignonette Street on the south, the 110 Harbor Freeway on the west, and Temple Street on the north. The ~~site currently consists of~~project will replace vacant lots and surface parking lots, ~~which will be replaced by the proposed~~ with a 526-unit, mixed use project. The commercial component of the project is approximately 10,230 square feet. The project ~~does not propose~~includes an elevated pedestrian bridge across Temple Street connecting the two development sites.

The project complies with the requirements of the zone and applicable provisions of the Los Angeles Municipal Code. The property is comprised of both C4 and R4 zoning. The R4-zoned parcels of the site will be limited to residential use while the C4-zoned lots will combine residential and commercial uses, as permitted by that zone. The floor area contained within the buildings on the site is a 3:1 Floor Area Ratio (FAR), per the zoning. As a result of the Greater Downtown Housing Incentive ordinance (Ordinance Number 179,076, Effective September 23, 2007), the project's density is not limited; the primary development limitation on the site is the FAR limitation. The project's parking complies with the parking requirements of the Central City Parking District, which permits reduced parking standards for residential uses in the Downtown area. The project additionally complies with the open space requirements to which multifamily projects are subject through a combination of private and common open space, consistent with Zoning Code requirements. The project is also providing an approximately 5,455 square foot publicly accessible plaza/open space in the southerly portion of the Fremont Building along with a publically accessible corner plaza at the southeast corner of Temple Street and Figueroa Street with direct access to the project's entrance/lobby.

1. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

The subject property is located within the adopted Central City Community Plan area, in the Civic Center district in Downtown Los Angeles. The site is designated as Regional Center Commercial land use with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3 and RAS4. The property is designated in Height District 2D, the "D" Limitation being imposed by Ordinance No. 164,307 which restricts the floor area ratio to three (3) times the lot area. The project with the pedestrian bridge is consistent with the goals of the Central City Community Plan, in that it provides substantial new housing units that not only increase the City's housing supply but helps to improve the jobs-housing balance Downtown. With the construction of the proposed Regional Connector station at 2nd Street and Hope Street, the project is located in a transit-oriented area that will be served by increasing public transportation options. The location and the mixed-use nature of the project advance a number of City goals that aim to locate density and intensity in centers that are served by transit, proximate to jobs and which contribute to an enlivened and walkable environment. The proposed project will put to productive use parcels that are

currently underused and will bring new retail options to an area of Downtown that currently has office uses and is not conveniently served by retail. The proposed project [with the pedestrian bridge](#) will activate the northwestern-most portion of the Civic Center, which because of a preponderance of office uses shuts down after traditional work hours. In this respect, the proposed project will advance Community Plan goals that aim create a more active, walkable and 24-hour Downtown.

The project is not located within a Specific Plan area. The project [with the pedestrian bridge](#) also complies with all pertinent provisions of the Downtown Design Guide which is also a part of the Central City Community Plan as an amendment to the Central City Community Plan, complying with and promoting many of the urban design goals of the Central City Community Plan. While some of the project's parking is above grade, it is not visible from the street and is located behind the retail and other habitable uses found on street-facing elevations, consistent with design guidelines for the area. The project provides a mix of uses, bringing neighborhood- supporting commercial uses in close proximity to future residents of the project and reducing automobile trips, consistent with policies for the Downtown area. Both the mix of uses and the design of the project contribute to the built form and development pattern of this section of Downtown, helping to improve the pedestrian orientation of the streets on which the project fronts and to activate these areas. Consistent with the Downtown Design Guide, a good portion of the frontages of both Temple Street and Fremont Avenue is transparent and is designed with either retail spaces or the project's common areas such as lobbies and gym facilities. Also, consistent with the Design Guide, each of the retail spaces have individual entries off the sidewalk and as do at the residential lobbies, which can also be accessed from the sidewalk. Additionally, the conditions that specify improvements for Temple Street aim to increase the sidewalk width to enhance the pedestrian orientation of the area and to allow the roadway to be consistent with modified street standards for Temple Street east of Figueroa Street, consistent with the Downtown Design Guide and the modified Downtown Street Standards. While the sidewalk will taper from 24 feet east of Fremont Avenue to 17 feet from Fremont Avenue to the Harbor Freeway (with inclusion of a 5 foot sidewalk easement), the specified improvements allows the right-of-way to transition smoothly as it narrows west of Fremont Avenue and then further narrows under the Harbor Freeway overpass.

2. **The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The subject property is located at the northwestern edge of the Civic Center district. The proposed 526-unit residential mixed-use development will replace vacant parcels and a surface parking lot. The project [with the pedestrian bridge](#) consists of an arrangement of buildings and structures that is compatible with existing and future development on neighboring properties. As previously noted it will bring residential and retail uses to a portion of the Civic Center that currently is dominated by office uses. The ground floor commercial uses will conveniently locate services and retail closer to office workers and

will provide amenities to the residents of the project and bring active uses on the ground floor that will enhance the pedestrian environment. The location of the proposed concentration of residential uses at this location will further activate the area beyond normal office hours. The project as proposed is also of a height and scale that is appropriate for the urban context of the site and is consistent with buildings in the surrounding area. Each building has its own vehicular access. The more easterly driveway on Temple Street provides a recessed porte-cochere that directs traffic and queuing away from the main street. The driveways accommodate the vehicular circulation needs of the site while still enhancing the pedestrian environment. The driveways are spaced in a manner that provides minimal disruption to the pedestrian environment and allows for enough retail to create visual interest and active sidewalks. The Fremont Building (Building B) includes a publicly accessible plaza/open space incorporated into the design of the Fremont Avenue frontage that further helps create interest and articulation along the long (699 foot) Fremont Avenue frontage. Additionally, a corner public plaza, located on the southeast corner of Temple Street and Figueroa Street, provides an appropriate residentially scaled public open space with direct access to the project and connection to the street. The corner public plaza, per the Downtown Design Guide, is to be programmed with specific uses (i.e. provide outdoor dining for adjacent restaurant/cafe or small neighborhood gathering place featuring a public amenity), incorporate amenities that facilitate outdoor activities (i.e. standing, sitting, strolling, conversing, window-shopping and dining) including seating for comfort and landscaping for shade and aesthetics. The project meets Code requirements for off-street parking, and loading and trash facilities are fully enclosed within the proposed structures and will not be visible from abutting public rights-of-way.

3. The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

With regards to recreational facilities and service amenities, the proposed project with the pedestrian bridge includes ground-floor commercial uses that will provide pedestrian-oriented opportunities for residents as well as occupants of neighboring properties. The proposed project also provides one 50 square-foot balcony qualifying as private open space for each of its 526 residential units. The balance of the project's required open space is provided in a series of common area courtyards that offer additional recreational amenities. Indoor amenities, such as a gym, cycling studio and library are also incorporated in the project and satisfy applicable open space requirements. The proposed project with the pedestrian bridge ensures that residents have a safe, alternative way to access the recreational amenities. The project is conditioned to provide a minimum of 61,775 square feet of open space; however, the project is providing a total of 84,933 square feet of open space, exceeding LAMC requirements.

ENVIRONMENTAL FINDING

The Mitigated Negative Declaration Addendum, ENV-2006-~~8108-MND-REC3~~, 8018-MND-REC3 for the project approved on October 23, 2012 per Planning Case No. DIR-2012-61-SPR, was prepared by the Los Angeles

Department of City Planning in accordance with the City's CEQA guidelines and mitigation measures are incorporated as conditions of approval of the project. As such, it reflects the independent judgment of its staff and the independent judgment of the Director of Planning, or the Director's designee as permitted by the Site Plan Review Ordinance (Ordinance No. 166,127). On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND (and incorporated into the Conditions of Approval ~~herein~~associated with Planning Case No. DIR-2012-61-SPR), there is no substantial evidence that the proposed project with the addition of a pedestrian bridge will have a significant effect on the environment.

The previously issued MND, ENV-~~006-8108~~2006-8018-MND-REC1, adopted by the Director of Planning on March 14, 2011 in Case No. DIR-2009-1508-SPR, analyzed a mixed-use project consisting of 627 dwelling units. ~~The subject case, DIR-2011-1324-DB including a pedestrian bridge over Temple Street. Case No. DIR-2012-61-SPR~~ included the addition of a parcel of land comprising 5,754 square-feet; the number of residential units and amount of commercial floor area remained the same or less as that approved in DIR-2009-1508-SPR. The subject case, DIR-2013-3749-SPR, includes the addition of the pedestrian bridge analyzed in ENV-2006-8018-MND-REC1.

~~The changes~~Changes to the project were analyzed under Public Resources Code section 21166, and CEQA Guidelines section 15162, and ~~that~~ the City determined in each case that an addendum was appropriate under Guidelines section 15164. ~~The addendum was prepared in July 2011, and issued as case ENV-2006-5180~~Under Public Resources Code section 21166, and CEQA Guidelines section 15162, no further environmental analysis is required for the pedestrian bridge in the subject case, DIR-2013-3749-SPR. The first addendum was issued in March 2010 as case ENV-2006-8018-MND-REC1, which included a pedestrian bridge. The second addendum was issued in October 2011 as case ENV-2006-8018-MND-REC2. As a result of a typographical error in ENV-2006-~~5180~~8018- MND-REC2, a third addendum, ENV-2006-~~5180~~8018-REC3 was issued on August 15, 2012. All mitigation measures of the above-referenced MND have been made a part of this action so that the project, as conditioned, will not have a significant impact on the environment.