



**DLA Piper LLP (US)**  
550 South Hope Street  
Suite 2400  
Los Angeles, California 90071-2618  
www.dlapiper.com

Kyndra Casper  
kyndra.casper@dlapiper.com  
T 213.694.3141  
F 310.595.3437

March 18, 2019

*Via Email and Messenger*

Honorable Members of the Planning and Land Use  
Management Committee (PLUM)  
c/o Rita Moreno and Patrice Lattimore  
City of Los Angeles City Council  
200 North Spring Street  
Los Angeles, CA 90012  
rita.moreno@lacity.org  
patrice.lattimore@lacity.org

**Re: Council File: 19-0095 and 19-0095-S1; Case No. CPC-2012-2054-GPA-ZC-HD-MCUP-SPR;  
Tentative Tract Map No. 74200-1A; Environmental Case No. ENV-2012-2055-EIR  
College Station Project**

Honorable Members of the PLUM Committee:

I am writing on behalf of Chinatown Station Owner, LLC (Applicant), the Applicant in the above-referenced matter (Project). This letter is submitted on behalf of the Applicant to request certain clarifications and technical corrections to Project conditions of approval in: (1) the Letter of Determination dated January 18, 2019 for Tract Map No. VTT-74200-1A (VTTM LOD); and (2) the Corrected Letter of Determination dated February 5, 2019 for Case No. CPC-2012-2054-GPA-ZC-HD-MCUP-SPR (CPC LOD), which are both before the Planning and Land Use Management (PLUM) Committee on March 19, 2019.

The City Planning Commission (CPC) has approved or recommended for approval by PLUM the sought after Project entitlements. The CPC approvals are subject to appeals before PLUM. The approvals, recommendations for approvals, and appeals are addressed more fully in City Planning staff's Staff Report. The Applicant requests the following revisions and clarifications to the VTTM and CPC LODs, as follows.

**I. REQUESTED CORRECTIONS TO VTTM NO. 74200-1A CONDITIONS OF APPROVAL IN 1/18/19 VTTM LOD**

**Department of Building and Safety Conditions; Condition 9.e.; page C-5:** The first line of the condition notes should be revised as follows:

**Proposed Revision:** Density based on proposed C-2 Zone with density bonus of 35% Regional Center Commercial General Plan Designation pursuant to LAMC Sec. 12.22.A.18(a);



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**Clean Revised Condition:** Density based on proposed C-2 Zone with Regional Center Commercial General Plan Designation pursuant to LAMC Sec. 12.22.A.18(a).

*Rationale:* The Project is not a Density Bonus project and is not seeking, and does not require, any Density Bonus incentives. Rather, the Project as proposed is consistent with all the applicable zoning requirements of a C2-2 zoned property with a Regional Center Commercial General Plan designation.

**Department of City Planning Site Specific Conditions; Condition 20.a, page C-9:** The condition should be revised as follows:

**Proposed Revision:** Limit the proposed development to a maximum of 725 dwelling units and a maximum of 51,600 square feet of commercial uses, totaling up to 618,580 square feet of floor area.

**Clean Revised Condition:** Limit the proposed development to a maximum of 725 dwelling units and 51,600 square feet of commercial uses, totaling 618,580 square feet of floor area.

*Rationale:* Requiring a hard cap on square footage can be problematic at the entitlement stage when full Project construction drawings are not yet prepared. Final construction drawings often deviate slightly from limits indicated in initial entitlement plan drawings, which are less refined than final drawings. Moreover, Project proponents are allowed to "substantially conform" with approved plans rather than perfectly conform. This proposed revision would enable the Applicant its legally allowed flexibility if the final built Project deviates slightly from the current approved plans, yet substantially conforms with the plans.

**Department of City Planning Site Specific Conditions; Condition 20.d, page C-10:** The condition should be revised as follows:

**Proposed Revision:** Improve Spring Street with an up to 22-foot full width sidewalk, which includes private pedestrian sidewalk easement, and so long as a half roadway width of 38 feet can be maintained, and unless exploratory boring and excavation shows that existing underground utilities under the street make the improvement impractical or infeasible and to the satisfaction of Bureau of Engineering and Department of Transportation. Otherwise, Spring Street shall be improved with a minimum of a 14-foot wide sidewalk, which includes a 4-foot wide private pedestrian sidewalk easement, and half roadway width of 40 feet subject to the approval and satisfaction of Bureau of Engineering.

**Clean Revised Condition:** Improve Spring Street with an up to 22-foot full width sidewalk, which includes private pedestrian sidewalk easement, so long as a half roadway width of 38 feet can be maintained, and unless exploratory boring and excavation shows that existing underground utilities





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under the street make the improvement impractical or infeasible and to the satisfaction of Bureau of Engineering and Department of Transportation. Otherwise, Spring Street shall be improved with a minimum of a 14-foot wide sidewalk, which includes a 4-foot wide private pedestrian sidewalk easement, and half roadway width of 40 feet subject to the approval and satisfaction of Bureau of Engineering.

*Rationale:* Without the proposed revision, it would not be possible to comply with this condition and still maintain compliance with the Mobility Plan. While Mobility Plan 2035 does envision a 22-foot wide sidewalk on the east side of N. Spring Street adjacent to the Project site, maintaining that sidewalk in addition to the 98 foot right-of-way and 76 foot roadway mandates no sidewalk on the opposite west side of N. Spring Street. The Mobility Plan in fact accounts for no sidewalk on the west side of N. Spring Street. However, in reality, there is a 10-foot wide sidewalk currently on the west side of N. Spring Street that is adjacent to the Chinatown Gold Line station. Because that sidewalk is adjacent to the Gold Line Station, it is highly unlikely that sidewalk would ever be eliminated or even reduced as a result of a street widening. Because of that 10-foot wide sidewalk, maintaining a 22-foot wide sidewalk on the Project-adjacent east side of N. Spring Street and the mandated street widths is not possible. This revision would thus enable the right-of-way and roadway width along N. Spring Street to be maintained in accordance with the Mobility Plan and would avoid a condition that is not possible to comply with.

**Department of City Planning Site Specific Conditions; Condition 22.p, page C-11:** The condition should be revised as follows:

**Proposed Revision:** Hauling hours of operation are restricted to the hours between 7:00 A.M. and 5:00 P.M., Monday through Friday ~~Saturday~~ and 9:00 A.M. and 3:00 P.M., ~~Monday through~~ Saturday.

**Clean Revised Condition:** Hauling hours of operation are restricted to the hours between 7:00 A.M. and 5:00 P.M., Monday through Friday, and 9:00 a.m. and 3:00 p.m., Saturday.

*Rationale:* The condition as written is inconsistent with what the Project proposes and the Project's Draft Environmental Impact Report ("Draft EIR").<sup>1</sup> The condition should be consistent with what is proposed by the Project and analyzed in the Project's EIR.

**Department of City Planning Site Specific Conditions; Condition 22.r, page C-11:** The condition should be revised as follows:

**Proposed Revision:** An average total of approximately ~~120~~270 one-way truck trips per day will occur over an estimated 67 days of hauling.

<sup>1</sup> Draft EIR, Chapter 4.13, Transportation and Traffic, at pp. 4.13-46 and 47.



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**Clean Revised Condition:** An average of approximately 270 one-way truck trips per day will occur over an estimated 67 days of hauling

*Rationale:* The condition as currently written is inconsistent with what the Project proposes and the information presented in the Project's Errata to the Environmental Impact Report.<sup>2</sup> The numbers presented in the revision are consistent with what the Project proposes and are less than what was analyzed in the Project EIR. Moreover, the use of a per-day average rather than a daily maximum accounts for the fact that truck trips on any given day may vary throughout the excavation and mass grading period in accordance with typical construction plans. We also note that the 120 trips number in the condition as written is in error: that is the total number of trucks proposed to be used for the Project, not the number of trips proposed, the latter of which is a higher number, as set forth in the EIR.<sup>3</sup>

**Department of City Planning Site Specific Conditions; Condition 22.u, page C-11:** The condition should be revised as follows:

**Proposed Revision:** Total net export of material is approximately 125,000~~80,000~~ cubic yards.

**Clean Revised Condition:** Total net export of material is approximately 125,000 cubic yards.

*Rationale:* The condition as currently written is inconsistent with what the Project proposes and the information presented in the Project's Errata to the Environmental Impact Report.<sup>4</sup> The numbers presented in the revision are consistent with what the Project proposes and are less than what is analyzed in the EIR (the project EIR analyzes up to 192,000 cubic yards of soil export in light of the originally proposed, larger project). The condition should be consistent with what is proposed by the Project.

II. **REQUESTED CORRECTIONS TO CONDITIONS OF APPROVAL FOR CASE NO. CPC-2012-2054-GPA-ZC-HD-MCUP-SPR 2/5/19 CPC LOD**

**Q Qualified Conditions of Approval; Condition A.1.b, page Q-1 AND City Planning Department Conditions of Approval, Condition A.3, at p. C-1:** The condition should be revised as follows:

**Proposed Revision:** ~~A maximum of 51,600 square feet of commercial floor area, consisting of 37,600 square feet of grocery market and 14,000 square feet of retail/restaurant uses.~~

<sup>2</sup> Errata, November 2018, at p. E-4; Appendix B.

<sup>3</sup> Draft EIR, Chapter 4.13, Transportation and Traffic, at pp. 4.13-46 and 47.

<sup>4</sup> Errata, November 2018, at p. E-4; Appendix B.





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**Clean Revised Condition:** n/a

*Rationale:* This condition should not be imposed as a Q condition, which should only apply where a vesting entitlement would be sought - no such entitlements are sought as part of the CPC case here. In addition, this proposed revision has the same rationale as with VTTM Condition 20.a, discussed above. In addition to those reasons, the revisions to the VTTM and CPC LODs should be consistent.

**Q Qualified Conditions of Approval; Condition 3, page Q-1:** The condition should be revised as follows:

**Proposed Revision:** Affordable Housing. A minimum of 5% of the total dwelling units, shall be reserved as Very Low Income units, as defined by the State Density Bonus Law 65915(C)(2). Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 37 units (5% of total units built) available as Very Low Income Units, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA.

**Clean Revised Condition:** n/a.

*Rationale:* The Project has no legal obligation to provide affordable units – it does not seek Density Bonus or other affordable housing development incentives, and is not subject to any inclusionary housing requirement. Moreover, there is no nexus between any impact of the Project and the provision of affordable units – the Project is being constructed on a vacant lot and is displacing no housing, much less any existing rent controlled or affordable housing. The City and City Attorney have recently recognized that requiring additional affordable housing beyond what any legal requirement or nexus demands is unlawful.<sup>5</sup> This condition is unlawful and should be eliminated as a Q condition of approval.

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<sup>5</sup>See

[https://planning.lacity.org/eir/CrossroadsHwd/Deir/Deir\\_Ex/Hearings/files/2018.09.13\\_Hearing\\_Transcript\\_on.pdf](https://planning.lacity.org/eir/CrossroadsHwd/Deir/Deir_Ex/Hearings/files/2018.09.13_Hearing_Transcript_on.pdf), the 9/13/18 CPC Hearing for Case No. CPC-2015-2025-DB-MCUP-CU-SPR and VTT-73568-1A, at pages 138 and 141, where the CPC is informed by Planning staff and the City Attorney that the provision of additional affordable housing beyond what is required by law with no nexus between an impact of the project



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**City Planning Department Conditions of Approval, Entitlement Conditions, Condition B.2, at p. C-2, AND at LOD Page 2:** The condition should be revised as follows:

**Proposed Revision:** Grant. Approved herein is a Master Conditional Use Permit to allow for the service of a full line of alcoholic beverages for on-site consumption for up to eight ~~seven~~ establishments and for off-site consumption for one grocery store on the project site.

**Clean Revised Condition:** Grant. Approved herein is a Master Conditional Use Permit to allow for the service of a full line of alcoholic beverages for on-site consumption for up to eight establishments and for off-site consumption for one grocery store on the project site.

**Rationale:** The Applicant requests the grant of an allowance for one additional establishment for off-site consumption. This request would only result from the potential division of one commercial unit identified in the Project plans into two separate commercial units. As this would only entail the division of one existing unit in the plans, this request would not increase the proposed square footage of alcohol uses, or the total seating of proposed alcohol uses.

Thank you for your consideration of these comments, and please incorporate the suggested amendments into the final Conditions of Approval.

Very truly yours,

**DLA Piper LLP (US)**

 *FOR*  
Kyndra Joy Casper  
Partner

cc. Debby Kim  
Gerald Gubatan  
Luci Ibarra  
Heather Bleemers  
Milena Zasadzien  
Johnny Le