

September 9, 2019

**VIA U.S. MAIL AND E-MAIL**

Councilmember Marqueece Harris-Dawson,  
Chair  
Councilmembers of the PLUM Committee  
200 North Spring Street  
Los Angeles, California 90012

Re: Council File No. 19-0825 (Case nos. CPC-2016-4888-TDR-SN-MCUP-SPR; ENV-2016-4889-EIR; VTT-74868)

Chair Harris-Dawson and Honorable Councilmembers:

This firm represents LA Gateway, LLC, the applicant in the above-referenced matter, which is proposing an exciting new and iconic transit-oriented project located at 1001 West Olympic Boulevard (the "Project"). The Project will provide up to 879 residential units, a 1,000-room hotel, and 40,000 square feet of commercial space within three towers. The Project will create significant new and diverse housing and hospitality options, along with an array of commercial uses that will support mobility, sustainability, health and safety, and quality of life in the community. As a supplement to our appeal to restore the original Project design with residential balconies, we respectfully request that you deny the appeal filed by 926 James M. Wood Boulevard, LLC ("926 LLC") on July 23, 2019 ("926 LLC Appeal").

The 926 LLC Appeal raises issues that were previously addressed comprehensively by the City's Planning Department, the City's Advisory Agency, the City Planning Commission ("Commission") and the applicant during the environmental review process and prior public hearings. The 926 LLC Appeal should be denied as there is no technical merit as discussed further below.

**1. Tract Map Approval and Environmental Impact Report ("EIR") Certification**

Per its title, the 926 LLC Appeal purports to include an appeal of Vesting Tentative Tract Map No. 74868 and the certified EIR. This tract map and EIR were approved by the City's Advisory Agency on January 2, 2019, and these approvals became effective, final, and non-appealable on January 29, 2019. 926 LLC failed to appeal the approved tract map and certified EIR during the appeal period and is now more than to six months past the appeal deadline.

**2. Master Conditional Use Permit (Alcohol)**

After two hearings on February 14, 2019 and June 13, 2019, the Commission issued a letter of determination on July 5, 2019, approving the Project's entitlements ("LOD"). The LOD contains thorough findings in support of the Master Conditional Use Permit and related conditions of approval (see LOD, pp. F-28 – F-33 and C-6 – C-8).

*Health and Welfare*

Contrary to the 926 LLC's claim, the LOD includes conditions of approval for the Master Conditional Use Permit that will safeguard the residential community, including security measures and employee training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers ("STAR") Program. Furthermore, each individual venue will be required to obtain approval of a Master Plan Approval, which will:

tailor site-specific conditions of approval for each of the premises subject to analysis of the venue's individual mode and character of operations including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval.

(LOD, pp. C-6 – C-7).

*Undue Concentration*

926 LLC's claim regarding undue concentration of alcohol uses has no technical support. The LOD specifically states that "[c]oncentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience" (LOD, p. F-32). The findings describe the benefits of the Master Conditional Use Permit, stating in part that "concentration of alcoholic services in restaurants and entertainment venues is an integral part of the [Los Angeles Sports and Entertainment] District and its attractiveness as a destination...This proximity [to the sports and entertainment district] makes the site important to the continued development of the LASED; the uses comprising the project augment, and additional alcohol services would further support the LASED as a 24-hour entertainment district" (LOD, p. F-28).

*Noise & Loitering*

926 LLC further asserts that the LOD contains no provisions addressing loitering or noise related to alcohol use. However, as previously mentioned, the LOD requires security measures and employee training provided by the LAPD's STAR program for all future venues approved under the Master Conditional Use Permit. Each venue will also be subject to "site-specific conditions of approval," which will permit individually tailored remedies for any potential noise or loitering concerns.

The LOD set forth very clearly the findings for the Master Conditional Use Permit and thoroughly discussed the benefits of the Project to the surrounding community. The concerns identified by 926 LLC have no technical justification.

**3. Site Plan Review**

926 LLC fails to provide any technical justification for stating that the General Plan consistency findings for Site Plan Review cannot be made. According to the adopted City's Housing Element, the City is in need of new dwelling units to serve both the current population and the projected future population. The Project will serve this public interest by creating up to 879 new

housing units in the Downtown community within a high-quality mixed-use development. As well as adding much-needed housing to the neighborhood, the Project promotes safety by improving pedestrian accessibility, and interacts with the surrounding uses to further develop the area's vibrant 24-hour neighborhood.

The Project's consistency with the General Plan and Central City Community Plan is also addressed in Draft EIR Section IV.I, Land Use and Planning. As discussed in this section, the Project is an infill development that would provide housing and employment opportunities to the community within walking distance to existing bus lines and the 7th Street/Metro Center Station at Figueroa Street. The Project's residential units include a mix of 1-, 2-, and 3-bedroom units, which would accommodate varying income levels. Furthermore, the Project's up to 879 residential dwelling units would accommodate a share of the City's assigned 82,002 Regional Housing Needs Assessment (RHNA) units, as required for the forecasted regional growth.

The Project further advances Goal 4 of the General Plan's Housing Element and Goal 9.1 and 9.2 of the Central City Specific Plan through a public benefits payment, made as a condition of the approval of the Project's requested Transfer of Floor Area Rights, in the amount of \$36,396,948.

As stated in the LOD, which set forth very clearly the findings for Site Plan Review and thoroughly discussed the Project's consistency with the City's General Plan and the Central City Community Plan, the Project would be substantially consistent with all applicable plans and policies, and land use impacts would be less than significant.

#### **4. Environmental Impact Report**

The "EIR Letter" that is referenced in the 926 LLC Appeal, and re-attached to the 926 LLC Appeal, is a letter that was previously submitted to the City on August 13, 2018 during the public comment review period for the Draft EIR. Contrary to 926 LLC's unsupported assertion, the issues discussed in the EIR Letter have already been addressed through the EIR process.

The Advisory Agency issued a decision on January 2, 2019, approving the Project's tract map and certifying the Project's Final EIR as a decision-making body for the City. The decision certified that (i) a Final EIR for the Project had been completed in compliance with the California Environmental Quality Act ("CEQA"); (ii) the Final EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and (iii) the Final EIR reflects the independent judgment and analysis of the lead agency. The Advisory Agency also adopted environmental findings, a statement of overriding considerations, and a mitigation monitoring program for the Project. The EIR Letter is included as Comment Letter No. B3 in the Final EIR for the Project, and responses to each comment made are also provided in the Final EIR (see Responses to Comment Nos. B3-1 through B3-10). The Final EIR concludes that the EIR Letter does not change any conclusion or analyses in the Draft EIR.

Pursuant to CEQA Section 21151(c), the City's municipal code provides a process for parties to appeal CEQA determinations to the City's elected decision-making body. The City's municipal code also provides procedures for aggrieved parties to appeal the Advisory Agency's approval of the tract map (LAMC Section 17.06). No administrative appeals were filed by 926 LLC challenging the Advisory Agency's approval of the tract map or the Advisory Agency's certification of the Final EIR. As discussed in Section 1 above, 926 LLC failed to appeal the EIR certification and the time

period expired at the end of January 2019. Any appeal based on the issues raised in the EIR Letter is therefore untimely.

Additionally, the Commission held a public hearing to consider the Project and its environmental review on February 14, 2019 and June 13, 2019. The Commission issued a decision on July 5, 2019, approving the Project's entitlements and relying on the Final EIR certified by the Advisory Agency as a decision-making body for the City. The Commission independently reviewed the Final EIR and found that the Final EIR as certified by the Advisory Agency adequately reviewed the Project's potential environmental impacts. The Commission, expressing its independent judgment, also found that no subsequent EIR or addendum was required for approval of the Project pursuant to CEQA Guidelines Sections 15162 or 15164. No changes to the Project were made after the Advisory Agency certified the Final EIR, nor was there new information or a change in circumstances that would require revisions to the previously certified Final EIR.

As noted above, the EIR Letter submitted by 926 LLC was fully addressed in the Final EIR for the Project, and no revisions to the previously certified Final EIR are required.

## **5. Conclusion**

We respectfully request that the City Council Planning and Land Use Management Committee deny the appeal by 926 James M. Wood Boulevard, LLC. We thank you for your consideration.

Very truly yours,



Francis Y. Park  
of PARK & VELAYOS LLP

cc: Ms. Luciralia Ibarra  
Mr. Jason McCrea  
Mr. Arthur Chang  
Mr. Simon Kaplan