

September 10, 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 no. CPC-2016-4888-TDR-SN-MCUP-SPR)

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 that 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"). 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.

The City Planning Commission's determination for the Project provides an excellent and thorough analysis of the Project. We generally agree with the City Planning Commission's recommendations and findings for approval of the Project. However, we are hereby requesting the following revisions to the Project approvals adopted by the City Planning Commission ("CPC") on July 5, 2019: (1) restore the balconies in the original Project design along with new dust control operation features; (2) revise the draft Sign District Ordinance as originally proposed; and (3) update the allocation of Transfer of Floor Area Rights funds.

1. Residential Balconies

The Project applicant filed an appeal seeking relief from Site Plan Review Condition No. 16 imposed by the CPC regarding the Project's balcony design. As mentioned in the applicant's appeal, Condition No. 16 prohibits the Project from providing operable or habitable balconies facing the I-110 Freeway, severely limiting the overall design and open space of the Project. Balconies and terraces are integral to the architectural character of the Project in creating specific rhythms on the façades and dynamic views of the Project. Furthermore, the balconies and terraces contribute to building performance by shading facades and reducing solar heat gain.

In addition, the applicant commissioned a health risk assessment ("HRA"), which was included in the certified EIR for the Project as Appendix E (SCH No. 2017101008, ENV-2016-4889-EIR), to analyze any potential concerns regarding air quality and balconies facing the I-110 Freeway. It should be noted that this HRA was not required by the CPC's Advisory Notice for Freeway Adjacent Projects (ZI No. 2427) regarding siting sensitive land uses near freeways (ZI No. 2427 acknowledges that an air impact analysis on new sensitive receptors in proximity to freeways is not

required by CEQA). Notwithstanding, the HRA, based on a conservative exposure duration of 30 years and no filtration assumptions (which is contrary to the Code requirement to provide at minimum MERV 13 rated filters), concluded that air quality at the proposed residential units facing the Harbor I-110 Freeway, including on the balconies would not result in a significant health risk impact. There is no technical justification or need for this balcony restriction. Further, over 5,000 square feet of residential open space and over 100 balconies would be eliminated from the Project by this condition. If all balconies facing the I-110 Freeway were eliminated, redesigning the entire Project would be necessary to address aesthetic and performance concerns and to meet the Project's open space requirements.

Notwithstanding, we recognize that the CPC had certain concerns regarding dust collecting on the proposed balconies. In order to alleviate this concern, we are proposing the following to be incorporated as operational features of the Project:

- Each tower will install a permanent OSHA-approved window washing equipment on the roof and the balconies will be included in regular cleanings of the windows and balconies.
- Each balcony shall be wired for installation of ceiling fans to minimize dust issues.

We respectfully request that you grant this appeal and remove Site Plan Review Condition No. 16.

2. Sign District Ordinance

We are requesting the following three revisions to the draft Sign District Ordinance: (1) Signs B and C, which were eliminated by the City Planning Commission, should be re-instated; (2) the refresh rate for Sign A should allow for Non-Controlled Refresh Rate consistent with other signs in the vicinity; and (3) the takedown provisions should be modified to match the prior staff recommendation and an alternative in-lieu payment consistent with the recent direction from the PLUM Committee for the project located at 900-1080 South San Julian Street on June 19, 2018 (Case no. CPC-2013-4050-GPA-VZC-HD-SN-CUMCUP-SPR and Council File no. 18-0174-S1). In addition, with respect to the takedown provision, an alternative sign credit methodology is also proposed; this alternative is intended to require the sign takedown provisions ultimately adopted by the City in the comprehensive Citywide Sign Regulations Ordinance update (CF No. 11-1705). The requested revisions are provided in Exhibit A for your consideration.

As noted in the City's Staff Report to the City Planning Commission, the Project incorporates all three digital displays (Signs A, B and C) into its design in a manner that will complement the existing unique signage in the Los Angeles Sports and Entertainment District ("LASED") area. The proposed displays will also help to enhance the connectivity between the existing Convention Center, LASED facilities (LA Live and Staples Center), and the pedestrian and open space plazas proposed for the Project site. The three displays are especially important in this regard and will help create an environment that promotes pedestrian activity and draws visitors to surrounding businesses and tourist attractions. In addition, the revisions requested will assist with Project financing and enhance the Project's ability to partner with local community non-profits, museums, schools and artists to

display locally designed and animated digital art that will celebrate the rich cultural history and diversity of Los Angeles.

By complementing the LASED's iconic landmark status in Downtown Los Angeles, this transit-oriented Project will continue to distinguish the downtown area with innovative, state of the art technologies and will reinforce Downtown Los Angeles as the cultural, entertainment, and visitor-serving center of the region.

3. Transfer of Floor Area Rights Allocation of Funds

Lastly, we would like to request a modification to the allocation of the direct provision of public benefits under the request for Transfer of Floor Area Rights ("TFAR"). The modification is provided below:

- Fifty percent (50%) to the Department of Recreation and Parks (Redevelopment of Pershing Square Park) for a total payment of \$9,099,237; and
- Fifty percent (50%) to the Council District 14 Public Benefits Trust Fund for public benefits consistent with the provisions of the TFAR ordinance for a total payment of \$9,099,237.

We respectfully request that the City Council Planning and Land Use Management Committee grant our appeal regarding the residential balconies and incorporate these revisions. We thank you for your consideration.

Very truly yours,



Francis Y. Park
of PARK & VELAYOS LLP

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

Exhibit A
(Requested changes shown in strikethrough/underline)

Section 5-F

1. **Sign Credit.** A minimum of ~~ten~~ one square ~~foot~~ feet of existing, legally permitted Off-Site Sign shall be removed for one square foot of sign area credit for an Off-Site Digital Display Sign within the Sign District, ~~or an in-lieu fee may be paid in the amount of thirty (30) dollars per one square foot of sign area credit for an Off-Site Digital Display Sign within the Sign District.~~

3. **Alternative Sign Credit.** The provisions in Subsection 1 above shall apply until adoption by the City of the currently proposed Citywide Sign Regulations Ordinance update (CF No. 11-1705). After adoption, the sign credit provisions in the Citywide Sign Ordinance shall apply.

Section 7-C

2. ~~Signs B and C~~ Signs B and C as shown on Conceptual Sign Drawings in Appendices B and C shall not be permitted.

Section 7-F

- 2(g) Sign Locations A, B and C
 - i. Illuminance from signs shall not exceed 0.3 footcandles above ambient illuminance.
 - ii. Signs at Locations A, B and C shall have a brightness after sunset and before sunrise of no greater than 300 candelas per square meter.

3. **Refresh Rate**
 - a. Digital Display A is subject to Non-Controlled Refresh Rate.
 - b. Signs B and C are subject to Controlled Refresh Rate.