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September 29, 2021

The Honorable City Council
City of Los Angeles
City Hall, Room 395
Los Angeles, California 90012

Dear Honorable Members:

**NOTE TO FILE; 813-815 W. OLYMPIC BOULEVARD / 947-951 SOUTH FIGUEROA STREET;
CF 20-0813 & CF 20-0813-S1**

On September 16, 2019, an appeal was filed challenging the Advisory Agency's decision to approve a Vesting Tentative Tract Map VTT-73966-CN for the merger and resubdivision of an approximately 0.85-acre site into one ground lot and 31 airspace lots (32 lots in total) and for condominium purposes for a mixed-use development, a deviation from Advisory Agency Parking Policy AA-2000-01, and a Haul Route for the export of approximately 115,500 cubic yards of soil. The appeal also raised substantial issues related to the certification of an Environmental Impact Report (EIR) for the Olympic Tower Project.

At its meeting on October 10, 2019, the City Planning Commission considered the Olympic Tower project and denied the appeal of the Vesting Tentative Tract Map. In a separate action, the Commission voted to approve the Main Conditional Use Permit, Conditional Use, Director's Decisions and Site Plan Review, which represented a portion of the entitlement requests for related Case No. CPC-2015-4557-MCUP-CUX-TDR-SPR-DD. A determination letter with the City Planning Commission's certification of the EIR and actions on the Vesting Tentative Tract Map was mailed on October 21, 2019, and subsequently appealed. It should be noted that a determination letter with the City Planning Commission's actions on the related CPC case entitlements was not mailed at that time since the Commission had not acted on the Transfer of Floor Area Request (TFAR) portion of the request.

The second-level appeals of the Vesting Tentative Tract Map were deemed denied for failure to act and the tract map was approved on November 25, 2019, since the full Council did not consider the item within the required time limit and lost jurisdiction of the matter (Council File 20-0813). As such the Olympic Tower EIR was considered certified on November 25, 2019. The City's certification of the EIR and approval of the Vesting Tract Map were not the subject of a legal challenge. It should be noted that the second level appeals raised issues with the certification of the EIR. However, no CEQA appeal was filed under LAMC Section 11.5.13 after the tract map was deemed approved.

On April 23, 2020, the City Planning Commission considered and recommended approval for the remaining TFAR entitlement request, to allow the transfer of 455,161 square feet of floor area to the project site.

A determination letter (LOD) with the City Planning Commission's actions relative to the entirety of its actions for CPC-2015-4557-MCUP-CUX-TDR-SPR-DD was mailed on May 26, 2020. The LOD erroneously provided both that the EIR was certified and that the City Council would consider a recommendation to certify the EIR. Appeals of the City Planning Commission's action were filed in a timely manner and included a challenge to both the entitlements and the certification of the EIR.

Although certification of the EIR occurred as part of the Tract Map actions in November 2019 and was not the subject of a legal challenge or a subsequent CEQA appeal under LAMC section 11.5.13 (codifying Public Resources Code Section 21151(c)), based on the second level tract map appeal raising CEQA issues and the confusing LOD on the TFAR indicating Council would consider the appeal on the EIR certification, the City has elected to treat the second level Vesting Tract Map appeal as a CEQA appeal under Section 11.5.13 and consider the CEQA-related appeal at the October 5, 2021 PLUM meeting. As a result of a further hearing on the CEQA-related appeal points of the Tract Map decision, the EIR certification shall be treated as it has been set aside and the Tract Map entitlement shall not become effective until the appeal is heard and the EIR certified by the City Council. Therefore, at its October 5, 2021, meeting, PLUM shall consider the certification of the Olympic Tower Project Environmental Impact Report (EIR) (ENV-2015-4558-EIR), Erratum, dated May 2021, and adoption of a modified Mitigation Monitoring Program, dated May 2021, and related modified California Environmental Quality Act Findings, dated May 2021 related to actions in both CF 20-0813 and CF 20-0813-S1.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in black ink, appearing to read 'Sergio Ibarra', with a stylized flourish at the end.

Sergio Ibarra
City Planner

VPB:MZ:si