

355 South Grand Avenue, Suite 100
Los Angeles, California 90071-1560
Tel: +1.213.485.1234 Fax: +1.213.891.8763
www.lw.com

LATHAM & WATKINS^{LLP}

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May 16, 2023

BY EMAIL & HAND DELIVERY

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

Re: May 16, 2023, Planning and Land Use Management Committee Meeting; Agenda Item 4, 670 Mesquit Zoning

Dear Honorable Chair Harris Dawson and Honorable Committee Members:

We write on behalf of RCS VE LLC concerning the zoning for 670 Mesquit Street that your Committee is scheduled to discuss today. On May 3, 2023, a unanimous City Council adopted the PLUM's recommendation to zone the property MB3. PLUM made this recommendation following its April 24, 2023, public hearing, which was presented without objection by Planning Department staff (though staff commented on other items to which it had concerns).

Now, only two weeks later, the Planning Department recommends that this Committee undo this action and zone the property MM1.

This change is not needed, does not reflect good planning principles, and unnecessarily burdens a property immediately next to a Metro-proposed subway station in the Arts District and the new River of Light Bridge park. The City Council already got the zoning right. No change should be made. Unfortunately, Planning's May 12, 2023, report is based on a series of incorrect premises.

The property is not adjacent to the Los Angeles River. Planning suggests a return to the MM1 zone is appropriate because the property is next to the Los Angeles River. It is not. As the attached satellite image shows, the property is separated from the edge of the river's concrete channel by 200 feet of railroad tracks, which railroad properties are their own legal lots. A response to a comment on the DTLA 2040 Final EIR affirms that in this portion of Downtown, "existing railway tracks separates the river from most portions of the Plan Area boundary on the east further reducing shade impacts to the river from future buildings." (DTLA 2040 FEIR p. 9-76.) The graphic included in Planning's report highlights the railroad tracks blue, suggesting that property the LA River. To be clear, the LA River sits to the right of that blue highlighting.

The EIR's conclusions are not premised on a height limitation. Planning suggests a zone change is needed to conform DTLA 2040 to the City's EIR for it. To the contrary, in response to a comment regarding shadows on the LA River, the EIR concluded that "shadows associated with new development would not conflict with City design policies and would not result in significant effects under CEQA." The EIR continued, "shade and shadows can provide beneficial impacts such as respite from the sun, reduce heat and related impacts, and enhance public spaces. The commenter does not offer substantial evidence that there will be an impact to the public from additional shade or shadows and no further response is required." Indeed, although the EIR clarified the proposed heights for the MM1 zone, the EIR confirmed that the "clarification does not change the DEIR findings or conclusions..." (DTLA 2040 FEIR p. 9-76 [complete response attached].) The property need not be rezoned to make DTLA 2040 consistent with the City's EIR. The Council correctly certified the EIR with the MB3 zoning for the 670 Mesquit parcel included in its General Plan resolution.

Applying the MM1 zone to the property would be discriminatory. Zoning to the west, north, and south of 670 Mesquit is MB3. There is no legitimate reason to zone the property MM1. An identically situated property immediately south of 7th Street is zoned MM1. There is no rational basis for distinguishing between 670 Mesquit and the property immediately to the south. Both abut railroad tracks, both are separated from the river by approximately 200 feet, and both are abutted by properties zoned MB3 to the west. See attached graphic and image showing both properties with the property not contemplated for rezoning circled in red and 670 Mesquit in blue.

A setback from railroad tracks serves no planning purpose. The property is 200 feet from the LA River. The railroad tracks between the property and the LA River are themselves required to be setback from the river's edge. Requiring 670 Mesquit then to be setback from the railroad tracks does nothing to further the City's stated goals of activating the river. This is especially true here as the DTLA 2040 EIR admits the "Los Angeles River Master Plan does not indicate that this segment of the Los Angeles River has been envisioned for re-naturalization, nor does it suggest that building intensity of any particular scale would be contrary to the fundamental goals of the Master Plan." (Final EIR, at p. 9-76.)

Planning's report back also references community input as to heights along the LA River. For the 670 Mesquit project, the area's neighborhood council and the community organizations, LARABA and ADCCLA, support the project's height, which exceeds the MM1 limits. Both organizations confirmed the importance of providing meaningful access to the LA River and the access proposed by the project (see attached letters). In addition, 670 Mesquit's location adjacent to the 6th Street Bridge and the proposed adjacent transit stop are highlighted as additional reasons why the height is appropriate given the location of this property.

Further, as noted landscape architect Mia Lehrer said in advocating against an arbitrary height limit for 670 Mesquit, "a more nuanced approach should recognize the benefits of pedestrian access, view corridors, and landscape elements to invite visitors into the River experience, rather than arbitrary height limits." (See attached June 14, 2021, Lehrer Letter.)

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For all these reasons and consistent with the City Council's prior unanimous action, we ask that the property not be rezoned to MM1 and remain MB3. Alternatively, if this Committee believes it is appropriate to consider a change in the property's zoning, we respectfully request that the action be continued to the Committee's next hearing to allow more discussion of a more nuanced approach, as Ms. Lehrer recommended.

Thank you very much for your attention to this important matter. Please do not hesitate to contact me with any questions at (213) 891-8015.

Very truly yours,



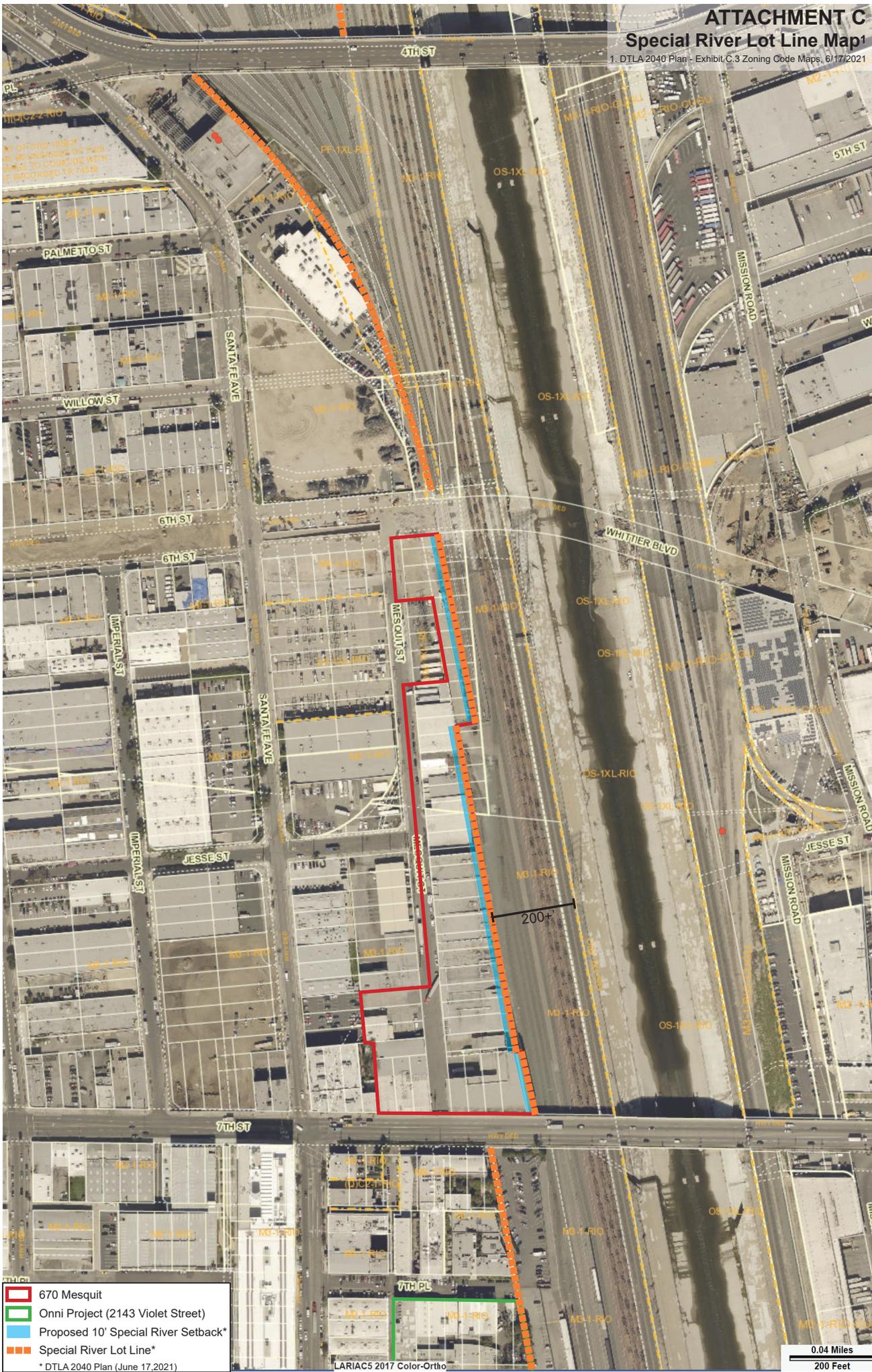
Benjamin J. Hanelin
of LATHAM & WATKINS LLP

Enclosures

cc: Mr. Frank Gallo
Mr. Michael LoGrande
Lucinda Starrett, Esq.

ATTACHMENT C Special River Lot Line Map¹

1. DTLA 2040 Plan - Exhibit C.3 Zoning Code Maps, 6/17/2021



- 670 Mesquit
 - Onni Project (2143 Violet Street)
 - Proposed 10' Special River Setback*
 - Special River Lot Line*
- * DTLA 2040 Plan (June 17, 2021)

LARIAC5 2017 Color-Ortho

0.04 Miles
200 Feet

These zoning districts would accommodate an evolving economy and attract a variety of employment opportunities.

Response 7-3

The commenter suggests that the FEIR should analyze the environmental impacts of shade and shadows in the Arts District and on the Los Angeles River.

Shade and shadows are not specified as potentially significant environmental effects in Appendix G of the CEQA Guidelines. Nevertheless, the DEIR considers shade/shadows under Impact 4.1-3 in Section 4.1, *Aesthetics*. While increased shadows are noted throughout that impact discussion, shadows associated with new development would not conflict with City design policies and would not result in significant effects under CEQA. The discussion of the Hybrid Industrial area on page 4.1-69 acknowledges that [t]he average building heights and associated shadows would increase in this area due to the higher permitted FAR. The discussion does not specify that taller buildings in this portion of the Downtown Plan Area could cast shadows onto portions of the Arts District or on the Los Angeles River so the third paragraph under Hybrid Industrial on page 4.1-69 has been revised to read as follows:

The average building heights and associated shadows would increase in this area due to the higher permitted FAR. Shadows from taller buildings could be cast onto portions of the Arts District or onto adjacent portions of the channelized Los Angeles River. Along the River, maximum base story heights would range from five to 15 stories, and maximum bonus story heights would range from five to 18 stories. This would result in a more intense urban visual character that some may perceive as an adverse change from existing conditions. However, it is anticipated that the general visual character of areas with these designations would generally be improved by reasonably anticipated development from the Downtown Plan due to the addition of active pedestrian amenities and resources, and the addition of points of visual interest with creative, flexible building structures in industrial areas.

This clarification does not change the DEIR findings or conclusions relative to shade and shadows as the fact that shadows could be cast onto areas and facilities does not represent a conflict with any adopted design policy. It should also be noted that the portion of the Los Angeles River that is adjacent to the Downtown Plan Area is channelized and lacks native biological habitats that could be adversely affected by increased shading. Additionally, existing railway tracks separates the river from most portions of the Plan Area boundary on the east further reducing shade impacts to the river from future buildings. Furthermore, the Los Angeles River Master Plan does not indicate that this segment of the Los Angeles River has been envisioned for re-naturalization, nor does it suggest that building intensity of any particular scale would be contrary to the fundamental goals of the Master Plan. As described in the DEIR, shade and shadows can provide beneficial impacts such as respite from the sun, reduce heat and related impacts, and enhance public spaces. The commenter does not offer substantial

evidence that there will be an impact to the public from additional shade or shadows and no further response is required.

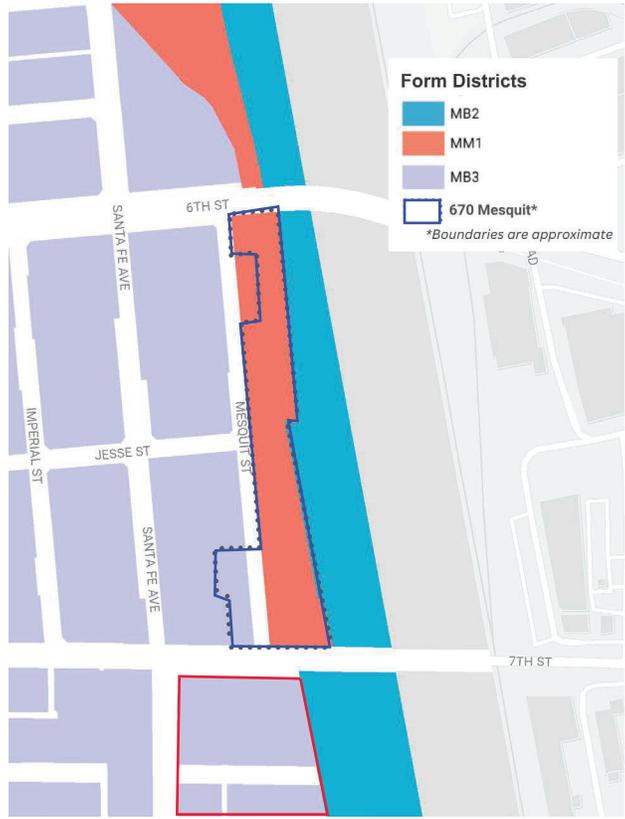
Response 7-4

The commenter suggests that the DEIR fails to adequately analyze the impact of the Downtown Plan and New Zoning Code on historical resources, noting that much of the Arts District is considered an “Eligible-but-not-Designated Resource” and that the Arts District contains many designated Historic Cultural Monuments.

Under Threshold 4.4-1 in Section 4.4, *Cultural Resources*, the DEIR concludes that impacts to historical resources would be significant and unavoidable. The DEIR provides that “[w]ithin the Plan Area, there are 130 state- and/or federally-designated historical resources, including three historic districts, and 138 designated HCMs.” Moreover, as noted by the commenter, the DEIR identifies the “eligible but not designated resources” in the area from SurveyLA. See Figure 4.4-1f on 4.4-22. The Downtown Plan does not call for the removal or alteration of historical resources, development on or adjacent to sites containing historical resources that occurs through the duration of the Downtown Plan’s implementation may cause either direct or indirect effects. Direct effects include “demolition or alteration of a historical resource’s physical characteristics that convey its historical significance,” while indirect effects include “creating a visually incompatible structure to a historical structure[.]” Despite these impacts, “[t]he provisions in the Cultural Heritage Ordinance [would] reduce impacts to historic properties in the City[.]” Furthermore, “[i]n addition to the citywide Cultural Heritage Ordinance the Downtown Plan includes a number of policies and zoning strategies intended to encourage the protection, rehabilitation, and reuse of existing historical resources in the Downtown Plan Area[.]”

The Downtown Plan’s CPIO (Appendix G) outlines procedural requirements for Eligible Historic Resources within Subarea D, that generally encompasses the Arts District neighborhood, including the Downtown Los Angeles Industrial Historic District and those identified as a contributor to a historic district or individual resource by SurveyLA. These requirements ensure that work done to a building or site that is an Eligible Historic Resource is done in a manner that would not compromise its eligibility, or that appropriate steps are taken in compliance with CEQA where any work proposed would not compromise its eligibility. Specifically, projects that comply with the Secretary of the Interior’s Standards for Rehabilitation are permitted a ministerial approval process per the CPIO. Projects that do not comply with the Secretary of the Interior’s Standards for Rehabilitation are required to undergo discretionary approval and are subject to CEQA. Please see **Master Response No. 2 – Historic Resources**.

The commenter is correct that the DEIR does not explicitly call out the Downtown Los Angeles Historic District by name under the analysis of Proposed Project impacts; nevertheless, as the commenter acknowledges, Figure 4.4-1f of the DEIR (page 4.4-21 of Section 4.4, *Cultural Resources*) identifies this potential district, as well as eight others, and the analysis acknowledges the potential significant impacts to historical resources, including historic districts that could occur over the plan horizon.



OFFICERS

Nancy Yap, President
Miguel Vargas, VP
Kristin Fukushima, Secretary
George Campos, Treasurer

Historic Cultural
Arts District & Little Tokyo
Neighborhood Council

ARTS DISTRICT LITTLE TOKYO
NEIGHBORHOOD COUNCIL
c/o Koban
307 E First Street
Los Angeles, CA 90012
admin@hcnc-adlt.org

**Arts District & Little Tokyo
Neighborhood Council (ADLT)**



December 20, 2022

William Lamborn
City Planner
Los Angeles City Planning, Major Projects
200 North Spring Street, Room 620
Los Angeles, CA 90012

RE: CPC-2017-247-GPAJ-VZCJ-HD-VCU-MCUP-CUX-ZV-MS

Dear Mr. Garcia:

This letter is to inform you that the Arts District & Little Tokyo (ADLT) Neighborhood Council has recently reviewed the application from local business owner, **RCS VE LLC/Vella Group**, and has determined that this application is well within the interest of the community.

Given the applicant's long term interest in the project, long history in the neighborhood, and their terrific standing within the community, the ADLT strongly supports this request to develop the 670 Mesquit Project, located at 606-694 S. Mesquit Street, 1494-1498 E. 6th Street, and 2119-2135 E. 7th Street.

If you need any further information, please do not hesitate to contact me at Nancy@hcnc-adlt.org.

Sincerely,

Nancy Yap
ADLT President



VIA EMAIL: william.lamborn@lacity.org

February 3, 2022

William Lamborn
City Planning Dept.
200 N. Spring Street
Los Angeles, CA 90012

RE: 670 Mesquit
CPC-2017-247-GPAJ-VZCI-HD-VCU-MCUP-CUX-ZV-MS

Dear Mr. Lamborn:

The Board of LARABA and the Board of ADCCLA voted to support the above referenced project with specific conditions. These conditions are listed below the project description.

Project description:

RCS VE LLC (the Applicant) proposes to construct a new mixed-use development totaling up to 1,792,103 square feet of floor area (the Project) on approximately 5.45 acres of land at 670 Mesquit Street in the Arts District area of the City of Los Angeles.

The Project would have a floor area ratio (FAR) of up to 7.5:1, and would consist of the following primary components:

- Creative office space totaling up to 944,055 square feet;
- A 236-room hotel;
- 308 multi-family residential housing units;
- An Arts District Central Market, a grocery store, and general retail uses totaling up to 136,152 square feet;
- Restaurants totaling up to 89,576 square feet;
- Studio/event/gallery space and a potential museum totaling up to 93,617 square feet; and,
- A maximum 62,148-square-foot gym.
- The Project would provide a minimum of 2,000 traditional vehicle parking spaces, with parking for up to 3,500 vehicles using a combination of automated parking systems, valet parking, or other efficiency parking methods. Parking would be provided in below-grade, at-grade, and above-grade structured parking spanning the Project Site.
- The Project would provide a total of approximately 141,876 square feet of open space for use by Project residents, hotel guests, employees, and visitors. Proposed open space features include at-grade landscaped areas, pedestrian passageways and walkways, balconies offering views of the Los Angeles River, and above-grade landscaped terraces and pool amenity decks.
- In addition, the Project will include a Deck Concept (Project with the Deck Concept) that would involve construction of a up to 132,000 square foot Deck (81,000 (Amtrak RW) that would extend over a portion of the freight and passenger rail lines and rail yards east of the Project Site.



Community Conditions:

Height Offsets and Amtrak Deck

The Arts District Leadership, thru LARABA, Arts District Community Council LA, previous incarnations of the Neighborhood Council and individual advocacy have worked diligently to help create a project that minimizes harm to the LA River and serves the community with substantive public space.

In 2017 the attached letter was submitted into the record by attorney John Given and our boards supports the comments he placed into the record. Attachment A

As a high-level re-cap, the Community is vehemently opposed to heights at the edge of the LA River. It is our position that any and all developments must have a stepped approach. It is also critical that community members and patrons have meaningful access to the river and that the view shed remains unimpaired to every extent possible to avoid casting shadows and impacting wildlife as the LA River restoration continues.

The community reached a compromise on the height with the developer due to the following:

- The proximity of the project to the 6th street Bridge,
- The diligent, logical and continued pursuits to establish a train stop at the location
- And most importantly, the implementation of a 132,000 square foot Deck (81,000 (Amtrak RW) that would extend over a portion of the freight and passenger rail lines and rail yards east of the Project Site. The deck would mirror the highline in NY on a smaller scale decreasing the amount of reflective concrete on the project.

Master CUP's

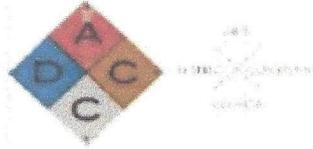
The Boards have established a protocol that we do not approve Master CUP's. We understand that this is a tool for planning to assign permitted alcohol sales without specifying vendors. To offset that discrepancy, the community requires that each applicant come to the LARABA/ADCCLA Land Use Committee to vet each of the applicants.

As a reminder, to maintain the uniqueness of the community, there are no national chains allowed, no California chains allowed. Each applicant will come before the land use committee and comply with all protocols provided in attachment B.

Position

Under these conditions, the LARABA and ADCCLA support the project.

This letter of support is 100% conditional on the 132,000 sf deck being implemented. Should the applicants fail to meet this requirement, LARABA, ADCCLA and the Community and or its representatives reserve the right to challenge the project in court as it would no longer meet the exceptioned requirements that offset the damage to the river due to height. Our community stands by a graded approach to all developments along the river and we



need to be clear that this project is an exception based on this unique offering. The community will work with the applicant to ensure its success in procuring this unique use.

Sincerely,

Randall Miller
President
LARABA Board

Todd Terrazas
President
ADCCLA Board



Attachment B

Alcohol Conditions:

Hours of operation inside the premises shall be limited to 10:00 a.m. to 11 p.m. daily. 8:00am for special events

Amplified music shall not be audible beyond that part of the property that is under the control of the applicant.

3. At no time will the premises host raves, a dance club, or other similar events.
4. Adult entertainment type uses are not permitted at the establishment.
5. There shall be no coin—operated games or video machines.
6. No pool or billiard table shall be maintained on the premises.
7. Exterior lighting shall be directed onto the property and shielded such that the light source does not disturb adjacent properties.
8. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
9. The subject facility, including any associated parking, shall be maintained and be kept free of trash and debris.
10. The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially noise derived from patron entry and exiting.
11. All guests and operators shall comply with smoking regulations set forth by the State of California and the City of Los Angeles.
12. The applicant shall fully comply with all Department of Alcoholic Beverage Control regulations governing the sale of alcoholic beverages.
13. The operators, managers, and all employees selling alcohol to patrons shall enroll in and complete a certified training program for the responsible selling of alcohol, which is recognized by the State Department of Alcoholic Beverage Control or LAPD (i.e., "STAR"). This training shall be completed by all employees selling alcohol within six months of the commencement of the sale of alcohol.
14. The applicant, owner and on—site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control.



15. The business operator shall install and maintain surveillance cameras that cover all common areas of such business, including all high-risk areas and entrances or exits.

16. Applicant's approval from this body shall not cover any new operator/ owners. Any future operator of the subject establishment must file a new Plan Approval in conformance with LAMC 12.24 W 1

17. No music on any non-soundproofed areas including but not limited to patio, rooftop and outdoor areas.

18. Outdoor patio and rooftops must close by 11:00pm



251 South Mission Road Los Angeles, California 90033 T. 213 384 3844
2544 Mission Street San Francisco, California 94110 T. 415 289 2200

studio-mla.com

VIA EMAIL

Samantha Millman, President
Honorable Commissioners
Los Angeles City Planning Commission
c/o Los Angeles Department of City Planning
200 North Spring Street
Los Angeles, CA 90012-2601

June 14, 2021

Re: DTLA 2040 Community Plan Update; The Plan's Relationship with the LA River

Dear Honorable Commissioners:

Thank you for the opportunity to comment on DTLA 2040. I write specifically to comment on the draft plan's proposals for how the built environment interfaces with the LA River as it wends its way through Downtown LA and, specifically, through the lower reaches of Downtown below 6th Street.

As you may know, I have been heavily involved in the City's reimagining of how we, as a community, relate to the LA River. I've had the great privilege of working on the Los Angeles River Revitalization Master Plan, NELA Riverfront District Placemaking Plan, Piggyback Yard Conceptual Master Plan and Feasibility Study, and the LA Riverfront Greenway Phase II.

As the landscape architects for the 670 Mesquit project, I have also worked with BIG Architects on this exciting project which began its City entitlement process in 2017. Attached are two graphics to illustrate the project's pedestrian deck over the railroad property which separates the site from the river. This deck will provide access for people to view to the river's edge for a true LA experience. The landscape design celebrates Los Angeles' climate, capitalizing on the abundant sunshine and mild winter with generous outdoor space and indoor-outdoor connection. Unfortunately, however, the current draft for DTLA 2040's includes draft development standards for this portion of Downtown's Arts District that discourage creative approaches like this river deck.

The goal in all of my efforts on projects impacting the LA River, including 670 Mesquit, is to enhance our community's connection and access. In reviewing the draft DTLA 2040 plan, I am concerned that proposed development standards for setbacks and height restrictions detract from, rather than further, these goals.

As to setbacks, the draft includes a requirement that certain properties in the Arts District, an area of the river separated from developable property by at least 200 feet of railroad tracks, maintain a 20 foot setback. Yet these properties are not even adjacent to the river, so the setback would be from railroad property.

Along this stretch of the river, particularly between 6th and 7th Streets, there is actually a berm along the river's western edge that makes viewing the channel impossible from street level. What this means is that for there to be meaningful engagement and in light of the railroad tracks, one must be elevated to see the river. Requiring a 20-foot setback in this area from properties separated from the river's edge by 200 feet of railroad tracks will frustrate opportunities for engagement. For this reason, I respectfully submit that the 20-foot setback standard be eliminated from DTLA 2040 for this area of the Arts District.

The river deck is also made possible by the project's design. The design concentrates its density into adjacent buildings, rather than extending lower rise buildings across the whole property. Yet the draft 2040 Plan also creates a 15 story height limit for the properties along the railroad property between 6th and 7th Streets, while allowing unlimited height for other properties including those east of railroad frontage properties. These height limits do not protect the river. A more nuanced approach should recognize the benefits of pedestrian access, view corridors, and landscape elements to invite visitors into the River experience, rather than arbitrary height limits.

I ask that the Commission direct staff to eliminate this setback and height limits for the properties between 6th and 7th Streets along the railroad tracks. Rather, to foster the river and the City's health, the Plan should provide incentives for projects like 670 Mesquit to encourage innovative ways in which our community can engage with the river.

Thank you very much for your consideration of these important issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mia Lehrer', with a long horizontal flourish extending to the right.

Mia Lehrer
President