



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT

### City Planning Commission

**Date:** October 15, 2020  
**Time:** After 10:00 A.M.\*  
**Place:** In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the CPC meeting will be conducted entirely telephonically by Zoom [<https://zoom.us/>]. The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at [https://planning.lacity.org/about/commissions\\_boards-hearings](https://planning.lacity.org/about/commissions_boards-hearings) and/or by contacting [cpc@lacity.org](mailto:cpc@lacity.org)

**Public Hearing:** August 26, 2020  
**Appeal Status:** Not Appealable  
**Expiration Date:** N/A  
**Multiple Approval:** Yes

**Case No.:** CPC-2018-2115-DA  
**CEQA No.:** ENV-2018-2116-EIR  
SCH No. 2018051002  
**Related Cases:** VTT-82152; VTT-82152-1A;  
CPC-2018-2114-DB-CU-  
MCUP-SPR  
**Council No.:** 13 – O'Farrell  
**Plan Area:** Hollywood  
**Plan Overlay:** Hollywood Signage  
Supplemental Use District  
(SUD), Hollywood  
Redevelopment Plan  
**Certified NC:** Hollywood United  
**General Plan:** Regional Center  
Commercial  
**Existing Zone:** C4-2D  
**Applicant:** MCAF Vine LLC, MCAF  
Vine LLC, 1750 North Vine  
LLC, 1749 North Vine Street  
LLC, 1770 Ivar LLC, 1733  
North Argyle LLC, and 1720  
North Vine LLC  
**Representative:** Edgar Khalatian  
Mayer Brown LLP

**PROJECT LOCATION:** 1720-1770 North Vine Street; 1746-1764 North Ivar Avenue; 1733-1741 North Argyle Avenue; and 6236, 6270, and 6334 West Yucca Street

**PROPOSED PROJECT:** Development Agreement for the provision of public benefits with a combined value of \$9,875,000 in exchange for a proposed term of 20 years.

**REQUESTED ACTIONS:** **ENV-2018-2116-EIR**

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, the consideration and certification of the Environmental Impact Report (EIR), ENV-2018-2116-EIR, SCH No. 2018051002, for the above-referenced project, and adoption of the Statement of Overriding Considerations setting forth the reason and benefits of adopting the EIR with full knowledge that significant impacts may remain.
2. Pursuant to Section 21081.6 of the California Public Resources Code, the adoption of the proposed Mitigation Measures and Mitigation Monitoring Program.
3. Pursuant to Section 21081 of the California Public Resources Code, the adoption of the required Findings for the certification of the EIR.

**CPC-2018-2115-DA**

1. Pursuant to California Government Code Sections 65864 through 65869.5, a Development Agreement between the Applicant and the City of Los Angeles.

**RECOMMENDED ACTIONS:****ENV-2018-2116-EIR**

If the City Planning Commission denies the appeal of the Vesting Tentative Tract Map (VTT-82152-1A) and sustains the actions of the Advisory Agency:

1. **Find**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the Hollywood Center Project EIR, which includes the Draft EIR, ENV-2018-2116-EIR (State Clearinghouse House No. 2018051002), dated April 16, 2020, and the Final EIR, dated September 3, 2020, that will have been considered by the City Planning Commission prior to this case; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR or addendum is required for approval of Alternative 8.

**CPC-2018-2115-DA**

1. **Recommend** that the City Council approve a Development Agreement between the Applicant and the City of Los Angeles.

VINCENT P. BERTONI, AICP  
Director of Planning



Luciralia Ibarra  
Principal City Planner



Milena Zasadzien  
Senior City Planner



Mindy Nguyen  
City Planner

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaed herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

# TABLE OF CONTENTS

**Project Analysis ..... A-1**

Project Summary  
Background  
Conclusion

**Findings ..... F-1**

General Findings  
CEQA Findings

**Exhibits:**

Development Agreement Matrix

Environmental Impact Report (EIR) links:

Draft EIR: <https://planning.lacity.org/development-services/eir/hollywood-center-project-1>

Final EIR: <https://planning.lacity.org/development-services/eir/hollywood-center-project-2>

ELDP Administrative Record: <https://planning.lacity.org/development-services/eir/hollywood-center-project-0>

## PROJECT ANALYSIS

### PROJECT SUMMARY

In conjunction with the City Planning Commission's consideration of the VTT appeals and Department of City Planning Staff's recommendation for Alternative 8, which proposes the preservation of the Capitol Records Complex, and the development of up to 903 residential units, comprised of 770 market-rate units and 133 senior affordable units; up to 385,943 square feet of office uses; and up to 26,874 square feet of commercial uses, for a total new floor area of 1,287,100 square feet, the Applicant seeks a Development Agreement involving a term of 20 years in exchange for the provision of public benefits having a monetary value of \$9,875,000.

The proposed provision of public benefits is as follows:

| <b>Benefit</b>   | <b>Value</b> | <b>Recipient</b>    | <b>Purpose</b>  | <b>Delivery</b>  |
|--|--------------|---------------------|---|--|
| <b>Affordable Housing</b>  |              |                     |   |  |
| 22 du @ Extremely Low Income (Senior Building)   | N/A          | On-Site             | A term not less than 99 years                                 | Record covenant w/HCID prior to bldg permit issuance                             |
| 111 du @ Very Low Income (Senior Building)   | N/A          | On-Site             | A term not less than 99 years                                 | Record covenant w/HCID prior to bldg permit issuance                             |
| 1.8% du @ Moderate Income (West Building)  | N/A          | On-Site             | A term not less than 55 years                                 | Record covenant w/HCID prior to bldg permit issuance                             |
| CD 13 Affordable Housing Trust Fund  | \$5,000,000  | CD 13               | To support the development of Affordable Housing within CD 13 | At bldg permit issuance  |
| <b>Homeless Housing</b>  |              |                     |   |  |
| Towards permanent supportive housing and/or social services addressing homelessness within Council District 13 areas of the Hollywood Community Plan | \$5,000,000  | City of Los Angeles | \$1,000,000   | One year following effective date of the approvals (or end of litigation)        |
|  |              |                     | \$4,000,000   | @ Final CofO of West Bldg  |
| <b>Streetscape</b>   |              |                     |   |  |
| Hollywood Walk of Fame Streetscape Concept Plan  | \$4,875,000  | City of Los Angeles | \$4,875,000   | @ Final CofO of either the West Bldg or East Office Bldg, whichever occurs first |
| <b>TOTAL</b>   |              |                     | <b>\$9,875,000</b>  |  |

In addition, Planning Staff recommends the following additional terms to the Development Agreement:

**Additional Considerations**

*Assignment:* Given that the Project is a phased development involving multiple parcels, the Development Agreement language should include the following:

“The Property, as well as the rights and obligations of the Developer under this Agreement, may not be transferred or assigned in whole or in part by the Developer. Without the consent of the City, subject to the conditions set forth in “Conditions of Assignment” of the Agreement.”

The “Conditions of Assignment” shall require that the developer and assignee give advance written notice to the City, not less than 45 days, of its intent to assign a portion, or all, of its obligations under the Agreement, and that the City must provide its consent in writing in order for the assignment to be accepted.

*Delivery:* The bulk of the public benefits are proposed to be delivered well after the Project has been constructed and may theoretically not be delivered until the end of the 20-year term. Planning Staff recommends that a minimum of 50 percent of the monetary public benefits be provided at building permit issuance for the West Building, or the East Office Building, whichever building permit is issued first.

In addition, given the multiple phases of the project, Planning Staff recommends that the remaining half of the monetary public benefits be issued prior to the issuance of the Final Certificate of Occupancy for the West Building, or the East Office Building, , whichever is constructed first.

*Benefits:* Recognizing that there is no specificity as to the timing of the construction for the Project, Planning Staff recommends that the total amount of all monetary payments that have not been paid within two years of the effective date of the Development Agreement, be automatically adjusted proportionally by the increase (if any) in the Consumer Price Index (CPI) for all remaining items.

**CONCLUSION**

After careful consideration of the proposed public benefits, Department of City Planning Staff recommends that the City Planning Commission recommend that the City Council enter into a Development Agreement with the developer, in conjunction with the aforementioned additional terms and benefits.

## FINDINGS

1. Pursuant to State Government Code Section 65868, a development agreement shall be entered into by mutual consent of the parties. An application for a Development Agreement was filed on April 12, 2018, establishing the Applicant's consent to enter into a Development Agreement.
2. The City of Los Angeles ("City") has adopted rules and regulations establishing procedures and requirements for consideration of development agreements under Citywide Development Agreement Procedures (CF 85-2313-S3). In addition, on November 19, 1992, the City Planning Commission adopted new guidelines for the processing of development agreement applications (CPC No. 86-404 MSC).
3. In accordance with LAMC Section 12.24 D and California Government Code Section 65867, notification within a 500-foot radius of the Project Site was mailed out on July 31, 2020 to all occupants and property owners, Neighborhood Council and others as identified in the mailing affidavit located in the administrative record. Further, notice of the public hearing was also published in the Daily Journal on July 31, 2020; verification of which is provided in the administrative record. Finally, posting for the site was completed on August 16, 2020.
4. Pursuant to Section 65867.5 of the Government Code, the Development Agreement is consistent with the objectives, policies, and programs specified in the City of Los Angeles General Plan, including the Hollywood Community Plan adopted by City Council on December 13, 1988. Orderly development of the Project Site is further governed by Department of City Planning Case Nos. VTT-82152 and CPC-2018-2114-DB-CU-MCUP-SPR, wherein the City recommends approval of a Density Bonus Compliance Review; a Conditional Use for a Major Development Project in the C4 Zone; a Master Conditional Use to allow alcohol sales of a full line of alcoholic beverages for on-and off-site consumption; and Site Plan Review for a project that would result in an increase of 903 residential units up to 412,817 square feet of non-residential floor area. The Development Agreement will be considered for adoption by resolution by the City Council.
5. This Development Agreement is administrative and technical in nature and will have no impact on the project under the EIR prepared for the project, the Hollywood Center Project EIR, SCH No. 2018051002. Moreover, the provisions of the Development Agreement do not grant the Project or the Project Applicant any exceptions, variances, or otherwise allows the applicant to deviate from the required development regulations of the Code. The intent of the Development Agreement is to recognize the life of the entitlements to a specified term in exchange for the provision of public benefits. The proposed Development Agreement will not be detrimental to the public health, safety, and general welfare. Approval of the Development Agreement will promote the expeditious delivery of public benefit monies directly from the Applicant to the identified parties for the provision of homeless housing and supportive services, streetscape improvements to the Hollywood Walk of Fame, and the provision of on-site affordable housing.

The Development Agreement complies in form and substance with all applicable City and State regulations governing development agreements.

Based upon the above Findings, the proposed Development Agreement is deemed consistent with public necessity, convenience, general welfare, and good zoning practice.

## **CEQA FINDINGS**

The City of Los Angeles, as lead agency, has evaluated the environmental impacts of the Hollywood Center Project by preparing an Environmental Impact Report (EIR) (ENV-2018-2116-EIR, State Clearing House No. 2018051002). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines").

The Hollywood Center Project EIR consists of a Draft EIR dated April 16, 2020, and a Final EIR, dated September 3, 2020 (Hollywood Center Project EIR). Pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Sections 21,000-21189.57), the EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the project at 1720-1770 North Vine Street; 1746-1764 North Ivar Avenue; 1733-1741 North Argyle Avenue; 6236, 6270, and 6334 West Yucca Street. The Project as analyzed in the EIR, involves the preservation of the Capitol Records Complex, removal of other remaining existing uses on the 4.61-acre Project Site, and the development of four new buildings (two residential buildings each on the West and East Sites) and public open space on the ground level. The maximum building height would be up to 469 feet (36 stories) on the West Site and up to 595 feet (47 stories) on the East Site. The Project would include the development up to 1,005 residential units (872 market-rate units and 133 senior affordable units), approximately 30,176 square feet of restaurant/retail space, approximately 33,922 square feet of publicly accessible open space, and a five-level subterranean parking garage with one level of enclosed at-grade parking on both the West and East Sites. The Project would have a maximum FAR of 6.973:1, which includes 1,287,150 square feet of new development and the existing, approximately 114,303-square-foot Capitol Records Complex (consisting of the 92,664-square-foot Capitol Records Building and the 21,639-square-foot Gogerty Building) for a total floor area of 1,401,453 square feet.

The EIR analyzed the Project originally proposed by the applicant (referred to as "Original Project"), as well as multiple alternatives, including Alternative 8, Office, Residential and Commercial Alternative. Alternative 8 involves the preservation of the Capitol Records Complex, removal of other remaining existing uses on the 4.60-acre Project Site, and the development of three new buildings (two mixed-use residential buildings on the West Site and one office building on the East Site) and public open space on the ground level. The maximum building height would be up to 595 feet (49 stories) on the West Site and 367 feet (17 stories) on the East Site. Alternative 8 would include the development of up to 903 residential units (770 market-rate units and 133 senior affordable units), 385,943 square feet of office uses, approximately 26,874 square feet of restaurant/retail space, 33,425 square feet of publicly accessible open space, and a five-level subterranean parking garage with one level of enclosed at-grade parking on the West Site, and a seven-level subterranean parking garage on the East Site. Alternative 8 would have a maximum FAR of 7:1, which includes 1,287,100 square feet of new development and the existing, approximately 114,303-square-foot Capitol Records Complex (consisting of the 92,664-square-foot Capitol Records Building and the 21,639-square-foot Gogerty Building), for a total floor area of 1,401,403 square feet.

In a Letter of Determination dated September 14, 2020, the City's Deputy Advisory Agency (DAA) certified the Hollywood Center Project EIR; adopted the Hollywood Center Project EIR Environmental Findings prepared for Alternative 8: Office, Residential and Commercial Alternative, adopted a Statement of Overriding Considerations and adopted a Mitigation Monitoring Program (MMP); in conjunction with approval of the Vesting Tentative Tract Map No. 82152 for Alternative 8. The Advisory Agency adopted the MMP in the EIR as a Condition of Approval. All mitigation measures in the adopted MMP are also imposed on Alternative 8 through

Conditions of Approval, to mitigate or avoid significant effects of the proposed Project on the environment and to ensure compliance during implementation of Alternative 8.

The decision of the Advisory Agency was subsequently appealed by an aggrieved party, and the City Planning Commission will have considered the appeals of the VTTM prior to consideration of these entitlements.

### **NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED**

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Likewise, PRC Section 21166 states that unless one or more of the following events occur, no Subsequent or Supplemental EIR shall be required by the lead agency or by any responsible agency:

- Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.



None of the above changes or factors has arisen since the approval of Alternative 8. There are no substantial changes to Alternative 8, and it is substantially the same as the approved project. Further, no substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the approval of Alternative 8. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the project.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of Alternative 8.

Therefore, as Alternative 8 was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

## **RECORD OF PROCEEDINGS**

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR and Final EIR, as well as the administrative record, are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for the environmental case number). Due to government facility closures as a result of the COVID-19 crisis, the Draft and Final EIR documents could not be made available at a public library. However, consistent with state emergency orders, the public was notified of an ability to call or email the City for alternative modes to access the documents or to schedule an appointment to review the documents at the City of Los Angeles, Department of City Planning, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012, during office hours Monday - Friday, 9:00 a.m. - 4:00 p.m.

## **MITIGATION MONITORING PROGRAM**

All mitigation measures in the previously adopted Mitigation Monitoring Program, attached as Exhibit B, are imposed on the project through Environmental Conditions of Approval to mitigate or avoid significant effects of the Alternative 8 on the environment and to ensure compliance during Alternative 8 implementation.