



**DEPARTMENT OF CITY PLANNING**  
**RECOMMENDATION REPORT**  
**FOR LIMITED PUBLIC HEARING ON MARCH 13, 2008**



**Los Angeles City Planning Commission**  
**Limited Public Hearing**

**Date:** March 13, 2008

**Time:** after 8:30 a.m.\*

**Place:** City Hall, 10th Floor  
200 North Spring Street  
Los Angeles, CA 90012

**Public Hearing:** October 24, 2007

**Appeal Status:** General Plan Amendment not appealable. Zone Change appealable to City Council by applicant, if disapproved in whole or in part. Conditional Use, Variance Adjustment are appealable to City Council

**Expiration Date:** June 10, 2008

**Multiple Approval:** Per LAMC Section 12.36

**Case No.:** CPC-2007-515-GPA-ZC-HD-CU-CUB-ZV-ZAA-SPR-SPE-SPP  
**CEQA No.:** CRA EIR  
(SCH #2006111135)

**Council No.:** 13  
**Plan Area:** Hollywood/CRA  
**Specific Plan:** Hollywood Signage Supplemental Use District

**Certified NC:** Hollywood Studio District

**GPLU:** Highway Oriented Commercial, and High Medium Residential

**Zone:** C4-1-SN and [Q]R4-1VL

**Related Case:** VTT-68501  
**Applicant:** Sunset & Gordon Investors, LLC

**Representative:** Katherine Casey, Craig Lawson & Company, LLC;

**PROJECT LOCATION:** 5929-5945 Sunset Boulevard & 1512-1540 N. Gordon Street

**PROPOSED PROJECT:** The proposed project involves the construction of a 324,432 square-foot, mixed-use project including 344 305 dwelling units, 40,000 square feet of creative office space and 13,500 square feet of ground floor retail (including 8,500 square feet of restaurant space). The project will also include the development of an approximately 21,177 square foot public park, will provide 508 on-site parking spaces in four subterranean levels and two above grade levels, will retain and incorporate portions of the amenity deck on the third floor, and will retain and incorporate portions of the structural/architectural components of the existing Old Spaghetti Factory Building. The project includes a signage plan consisting of two Supergraphic Signs for on-site and off-site advertising. The Draft and Final Environmental Impact Report CRA-EIR SCH No. 2006111135 (adopted by the City Council on December 14, 2007) and the Statement of Overriding Considerations will be reviewed and considered.

**REQUESTED ACTION:** 1. Pursuant to LAMC Section 11.5.6.A, a **General Plan Amendment** to revise the land use designation in the Hollywood Community Plan from Highway Oriented Commercial and ~~Medium Density Residential~~ to Regional Center Commercial (with the exception of 1528 – 1540 N.

Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2).

2. Pursuant to LAMC Section 12.32.F, a **Zone Change** from the C4 and [Q]R4 Zones to the C2 Zone (with the exception of 1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2).
3. Pursuant to LAMC Section 12.32.F, a **Zone Change** to remove the [Q] Condition (Ordinance No. 165,662) from the [Q]R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2 only) to permit a density of 400 square feet of lot area per unit in lieu of the current restriction of 600 square feet of lot area per unit.
4. Pursuant to LAMC Section 12.32F, a **Height District Change** from Height Districts -1VL and -1 to Height District -2D (with the exception of 1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2). The proposed “D” Limitation would limit the allowable Floor Area Ratio to **5.15:1** using pre-dedicated lot area, in lieu of the 6:1 FAR otherwise permitted in Height District 2.
5. Pursuant to LAMC Section 12.24.W.1, a **Conditional Use Permit** to allow a Plan Approval to permit the continued sale of alcohol for on-site consumption.
6. Pursuant to LAMC Section 12.24.W.19, a **Conditional Use Permit** to permit floor area averaging across the entire site.
7. Pursuant to LAMC Section 12.27, the **Zone Variances** from the following:
  - a. Section 12.21.A.4 of the Municipal Code to permit a residential parking ratio of ~~4.28~~ 1.30 parking spaces per unit in lieu of the following requirement: one parking space for each unit of less than three habitable rooms, 1.5 parking spaces for each dwelling unit of three habitable rooms, and two parking spaces for each dwelling unit of more than three habitable rooms;
  - b. Section 12.21.A.5 of the Municipal Code to permit reduced clear space at structural elements from 10 inches to 0 inches, and providing ~~67%~~ one compact stall in lieu of the one required standard parking stall per residential dwelling unit;
  - c. Section 12.11.A, 12.14.C, and 12.21.1.A, to permit floor area and density averaging across a unified development site to include property that is not currently located in a C or M Zone, specifically to include property presently located in the [Q]R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2);
  - d. Section 12.21.G to allow reduced open space to provide approximately 96 square feet for every dwelling unit, in lieu of the following requirement: 100 square feet for each unit having less than three habitable rooms, 125 square feet for each unit having three habitable rooms, and 175 square

feet for each unit having more than three habitable rooms;

- e. Section 12.11 and Sections 12.21.C.1(i) and Section 12.21.C.1(j) to permit the proposed public park to be sold as a separate condominium unit and to be constructed, operated, maintained and located above the Parking Building in the [Q] R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2);
  - f. Section 12.11 to permit a Parking Building and underground parking to be constructed, operated and maintained in the [Q] R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2);
  - g. Section 12.21C.5(h) to permit the Parking Building and Public Park to be maintained as accessory uses in relation to the primary uses (mixed use building) in the adjacent commercial zone, and to allow pedestrian and vehicular access and circulation between the residential and commercial zoned parcels and vice versa.
  - h. Sections 12.11.C, 12.14. C, 12.21.1.A.2 and 12.37.G to permit the lot area used in calculating residential density and floor area on the proposed R4 and C2 zoned portions of the property to include the area required for street dedications of one foot along Gordon Street and two feet along Sunset Boulevard, which would result in a total density of 305 units in lieu of 302 units over the entire site and a total floor area of 324,901 square feet in lieu of 320,805 square feet over the entire site.
8. Pursuant to LAMC Section 12.28, a **Zoning Administrator's Adjustments** from LAMC Section 12.14.C and 12.11.C to permit reduced easterly and westerly side and rear yards from the required 16 feet (side) and 20 (rear) feet to 0 feet.
  9. Pursuant to LAMC Section 16.05, the Applicant requests approval of **Site Plan Review**.
  10. Pursuant to LAMC Sections 11.5.7C and 11.5.7.F and Sections 6.C.9, 6.D and 7.M.2.d of the Hollywood Signage Supplemental Use District Ordinance No. 176,172 (the "Hollywood Signage Ordinance"), the Applicant requests approval for **Project Permit Compliance** for two Supergraphic Signs, a **Sign Reduction Plan** and an **Exception** from the Hollywood Signage and Supplemental Use District Ordinance to permit two Supergraphic Signs to be located on the eastern and southern façade elevations of the building in lieu of the signs being located on opposite walls of the building that cannot be viewed at the same time from any location.

**RECOMMENDED ACTIONS:**

1. **Approve and Recommend** that the City Council **Adopt a General Plan Amendment** to the Hollywood Community Plan from Highway Oriented Commercial to Regional Center Commercial (as shown on Exhibit A-4).
2. **Approve and Recommend** that the City Council adopt a **Zone and Height District Change** from C4-1 and a portion of [Q]R4-1VL zone to (T)(Q)C2-2D. The proposed “D” Limitation would limit the allowable Floor Area Ratio to 5.15:1 in lieu of the 6:1 FAR otherwise permitted in Height District 2, subject to the attached Conditions of Approval (as shown on Exhibit A-4).
3. **Approve and Recommend** that the City Council adopt a **Zone Change** to remove the [Q] Condition (Ordinance No. 165,662) from the [Q]R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2 only) to permit a density of 400 square feet of lot area per unit in lieu of the current restriction of 600 square feet of lot area per unit.
4. **Approve a Conditional Use Plan Approval** to permit the continued sale of alcohol for on-site consumption.
5. **Approve a Conditional Use Permit** to permit floor area averaging across the entire site.
6. **Approve a Variance** to permit a 10 percent (10%) reduction in the required parking for the residential portion of the project for a ratio of 1.51 parking spaces per unit.
7. **Approve a Variance** to permit reduced clear space at structural elements from 10 inches to zero inches.
8. **Approve a Variance** to allow 40% compact stalls in lieu of the one required standard parking stall per residential unit.
9. **Approve a Variance** to permit floor area and density averaging across a unified development site to include property that is not located in a C or M Zone, specifically to include property presently located in the [Q]R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2).
10. **Approve a Variance** to allow reduced open space to provide approximately 96 square feet for every dwelling unit, in lieu of the following requirement: 100 square feet for each unit having less than three habitable rooms, 125 square feet for each unit having three habitable rooms, and 175 square feet for each unit having more than three habitable rooms.
11. **Approve a Variance** to permit the proposed public park to be sold as a separate condominium unit and to be constructed, operated, maintained and located above the Parking Building in the [Q]R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2 only).
12. **Approve a Variance** to permit a Parking Building and underground parking to be constructed, operated and maintained in the [Q] R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2).
13. **Approve a Variance** to permit the Parking Building and Public Park to be maintained as accessory uses in relation to the primary uses (mixed use building) in the adjacent commercial zone, and to allow pedestrian and vehicular access and circulation between the residential and the commercial zoned parcels.
14. **Approve a Variance** to permit the lot area used in calculating residential density and floor area to include the area required for street dedications of one foot along Gordon Street and two feet along Sunset Boulevard, which would result in a total density of 305 units in lieu of 302 units over the entire site and a total floor area of 324,901 square feet in lieu of 320,805 square feet over the entire site.
15. **Approve a Zoning Administrator’s Adjustment** to permit reduced easterly and westerly side and rear yards from the required 16 feet (side) and 20 (rear) feet to 0 feet.
16. **Approve the Site Plan Review.**
17. **Approve a Project Permit Compliance** for one Supergraphic Sign to be located on the eastern side of the building and a **Sign Reduction Plan** as per the Hollywood Signage and Supplemental Use District, Ordinance No. 176,172 (the “Hollywood Signage Ordinance”).

18. **Deny** an **Exception** from the Hollywood Signage and Supplemental Use District, Ordinance No. 176,172 (the "Hollywood Signage Ordinance") to permit one Supergraphic Sign located on the southern façade elevation of the building in lieu of the signs being located on opposite walls of the building that cannot be viewed at the same time from any location.
19. **Adopt** the attached Findings.
20. **Recommend** that the applicant be advised that time limits for effectuation of a zone in the "T" Tentative classification or "Q" Qualified classification are specified in Section 12.32.G of the Municipal Code, conditions must be satisfied prior to the issuance of building permits, and that the "T" Tentative classification be removed in the manner indicated on the attached page.
21. **Certify** that it has reviewed and considered the information contained in the Draft and Final Environmental Impact Report CRA-EIR SCH No. 2006111135 (adopted by the City Council on December 14, 2007) and the information contained in the Addendum to the EIR, dated February 29, 2008, which analyzed changes to the EIR due to changes in the entitlement requests based on staff recommendations, and a change in location of HVAC units to mitigate noise impact, and a request to replace Flexcar/Zipcar with an equivalent service, and **adopt** the Statement of Overriding Considerations.
22. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
23. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

S. GAIL GOLDBERG, AICP  
Director of Planning

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Charles J. Rausch; Jr. Senior City Planner

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## PROJECT ANALYSIS

**MARCH 13, UPDATE:** The City Planning Commission heard the case on January 13, 2008. No action was taken. The Commission directed the applicant to apply for their signage under the Hollywood Signage Supplemental Use District Plan and present it to the Commission on March 13. Since this a new request along with others as listed below a Limited Public Hearing is required before the Commission. However, since there was no action on the previous request, it is still valid, and therefore, the Staff report dated January 10, 2008, is also included for Commission's consideration.

**Signage:** The applicant applied for approval for Project Permit Compliance for two supergraphic signs, a Sign Reduction Plan and an Exception from the Hollywood Signage Plan. The signs are to be located on the eastern and southern façade elevations of the building in lieu of the signs being located on opposite walls of the building that cannot be viewed at the same time from any location.

Staff is recommending approval of the sign on the eastern façade and denial of the sign on the southern façade facing Sunset Boulevard.

**General Plan Amendment and Zone Change:** The current request does not include a Plan Amendment and Zone Change on the entire site. The three northerly lots (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2 only) to be improved with a public park are the only lots which are designated Residential and are no longer part of the request. The remainder of the site is currently designated Highway Oriented Commercial and is recommended for a Plan Amendment to Regional Commercial. Two of these interior lots, however, are classified in the R4 zone, inconsistent with the Plan designation and are being recommended for C2-2D.

**Zone Change:** The applicant has requested a Zone Change to remove the [Q] Condition (Ordinance No. 165,662, effective May 7, 1990) from the [Q] R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2 only) to permit a density of 400 square feet of lot area per unit in lieu of the current restriction of 600 square feet of lot area per unit.

Since these lots are no longer part of a Plan Amendment or Zone Change to Regional Commercial and C2-2D, the existing restriction on these lots would allow only 35 units. At 400 square foot per unit, 53 units would be allowed. Since the intent is not to restrict the intensity or density of the subject project which is located away from the residential area, the higher density is required for the calculation of the project density. Even with the removal of the [Q] condition, the project density results in 305 units or 6 units less than the original proposal of 311 units. The removal of the [Q] condition would not affect the overall design of the subject property or the adjoining residential properties.

**Conditional Use** to permit floor area averaging across the entire site: The project proposes consolidating the residential density and floor area from the entire site into one mixed use unified development. LAMC Section 12.24.W.19 - Floor Area Ratio Averaging in unified developments only permits this averaging to occur in the C or M zones. Since we are currently looking at the split zoning (R4 and C2), a variance is also required to specifically include the property not in a C or M zone and the applicant's thinking is that once that variance is approved, the project would still need the CUP approval to average the floor area across the entire site.

**Variance** to permit floor area and density averaging across a unified development site to include property that is not currently located in a C or M Zone, specifically to include property presently located in the [Q]R4-1VL Zone: The density calculation has been added to this

variance in addition to the floor area in the earlier variance. Due to staff's recommendation not to approve the Plan Amendment and Zone Change over the entire site, a variance was necessary for the FAR and density calculation. However, the total density count is 6 short than the requested 311 for a total of 305 units.

**Variance** to permit the lot area used in calculating residential density and floor area on the proposed R4 and C2 zoned portions of the property to include the area required for street dedications of one foot along Gordon Street and two feet along Sunset Boulevard, which would result in a total density of 305 units in lieu of 302 units over the entire site and a total floor area of 324,901 square feet in lieu of 320,805 square feet over the entire site. This variance is needed so 305 units can be provided, although still short of the original request of 311 units.

**Variance** to allow one compact stall in lieu of the one required standard parking stall per residential dwelling unit: The earlier request was for a 67% reduction instead of the 100% now. Staff's recommendation is still the same of

**Modification to the Proposed Zipcar Program Service Provider (information as provided by the applicant)**

The Proposed Project includes the provision of three "Flex Car" or "Zip Car" (Flexcar and Zipcar merged during the EIR process) automobiles to be provided on site. As noted in the staff Report, Zipcar (like Flexcar) is a private enterprise which could merge or go out of business like any other company. As such the Applicant has no control over providing this service during the life of the project. In response to this concern, the Applicant is seeking to modify the conditions to dedicate three parking spaces for an equivalent ride-share or rental car service provider or for car/van pool vehicles that may be operated by the commercial tenants of the Project. Under this request, the dedication of three parking spaces on-site to promote carpool or rideshare opportunities and reduce the dependence of the automobile would still be provided. As a result, the intent and effectiveness of the parking reduction program would be maintained and this request would not result in any new significant environmental impacts, nor would it result in a substantial increase in the severity of previously identified significant effects in the certified EIR.

**Staff Comments:** Since the applicant is not providing any certainty of a ride-share mechanism, these spaces can only be considered as regular parking spaces. Adjustments to parking space requirements cannot be made on conjecture.

The following is part of the staff report as submitted to the City Planning Commission on January 10, with a few modifications.

**Project Summary**

The project site encompasses approximately 72,096 square feet of land (approximately 1.6 acres), located at 5929-5945 Sunset Boulevard and 1512-1540 Gordon Street, on the northeast corner of Sunset Boulevard and Gordon Street. The current zoning and land use designations (per the Hollywood Community Plan) are C4-1-SN in the Highway Oriented Commercial land use designation for all properties fronting on Sunset Boulevard and [Q]R4-1VL in the High Medium Density Residential land use designation for all properties fronting along Gordon Street. The project site is currently improved with a restaurant (Old Spaghetti Factory) located at 5939 Sunset Boulevard which ceased operations in June 2007, associated surface parking lots, and three residential properties comprising nine apartment dwelling units located at 1528-1540 Gordon Street in Hollywood ("the Gordon lots").

**PROJECT DESCRIPTION**

The proposed project will include approximately 324,432 square feet of floor area, which will comprise residential, commercial/retail, and office space. Each of the project details is shown in the chart below, and the public amenities are described further below.

**Chart of Proposed General Plan Amendment,  
Zone Change and Height District Change**

Zoning	Site Area	FAR & Floor Area Permitted	Density	Height Limit
<b>C4-1-SN (existing)</b>	32,860 square feet approx. 0.75 acres	1.5:1 49,290 s.f.	1/400 82 units	No Vertical Limit
<b>[Q]R4-1VL (existing)</b>	39,236 square feet approx. 0.90 acres	3:1 117,708 s.f.	1/600 (Q Condition) 65 units	3 stories 45 feet (for mixed-use projects)
<b>C2-2D(-SN) (proposed)</b>	72,096 s.f. (pre-dedication) 71,653 s.f. (post-dedication)	5.15:1 (with D Limitation) 324,432 s.f.	1/200 360.48 units	No Vertical Limit

**Proposed Project Description<sup>1</sup>**

Project Detail	Use	Required/Allowed	Proposed
<b>Floor Area</b>	---	4.5:1 FAR	5.15:1 FAR 324,432 s.f.
<b>Residential Density</b>	---	1 unit/200 s.f. of lot area	1 unit /231.9 s.f. of lot area
<b>Parking</b>	Residential	2.5 spaces/unit 763 spaces	1.30 spaces/unit 398 spaces
	Commercial/Retail	27 (2/1,000 square feet)	27 spaces
	Office	80 (2/1,000 square feet)	80 spaces
	Shared Car	---	3 spaces
	Total	870 spaces	508 spaces
<b>Open Space (including the public park)</b>	Common	18,400 s.f. (50% min.)	28,600 s.f.
	Private	18,400 s.f. (50% max.)	1,400 s.f.
	Total	36,800 square feet	30,000 square feet
<b>Building Height</b>	---	No Vertical Limit	260 feet/23 stories
<b>Yard Setbacks</b>	Front	0 feet	0 feet
	Side (east and west)	16 feet	0 feet (floors 1-4)
	Rear	20 feet	0 feet (floors 1-4)

In addition to the above, the proposed development includes numerous public amenities, including the following:

<sup>1</sup> Project requirements in this chart are assuming that the proposed General Plan Amendment, Zone Change, and Height District Change are approved.

- A new public park on the Gordon lots,
- The highest LEED certification possible for the project,<sup>2</sup>
- For-sale housing with some units affordable at workforce levels,
- Retention and restoration of a locally important structure (the 5939 Sunset Blvd. existing restaurant),
- High-quality urban design,
- New creative office space in Hollywood, and
- Ground floor, neighborhood-serving retail space

### Residential

The proposed project will contain 311 for-sale residential condominium units, of which a certain percentage of these units will be offered at affordable workforce housing levels.

The currently proposed breakdown of workforce affordability is as follows:

- 30 units to be sold at 120% of Median Family Income (MFI);
- 30 units to be sold at 150% of MFI

The workforce housing units will be integrated into the residential tower, with the remainder of the residential condominium units to be sold at market rate. Access will be from Gordon Street.

### Retail/Commercial

The proposed project incorporates approximately 13,500 square feet of ground floor retail space, which will include approximately 8,500 square feet of restaurant use and 5,000 square feet of commercial/retail use. A portion of the existing restaurant will be retained and incorporated into the podium portion of the proposed project and will continue to be used as retail space.

### Office

The proposed project will include approximately 40,000 square feet of creative office space, which will be subdivided into 20 office condominium units (an average of approximately 2,000 square feet each). The specific use of each of these office condominium units has not yet been specified. The creative office space will be located within the parking podium of the proposed development and will be accessible from Sunset Boulevard.

### Parking

The proposed project will provide parking in a podium structure that will have four floors below grade and two floors above grade. Required and proposed parking for the proposed development are described further in the chart on the following page.

**Required and Proposed Parking**

Land Use	Parking Requirement	Number of Required Spaces	Proposed Parking
<b>Retail/Commercial (13,500 s.f.)</b>	2 spaces/1,000 square feet	27 spaces	27 spaces
<b>Office (40,000 s.f.)</b>	2 spaces/1,000 square feet	80 spaces	80 spaces
<b>Residential (311 Units)</b>	2.5 spaces/unit	763 spaces	398 spaces

<sup>2</sup> The LEED Green Building Rating System is a voluntary, consensus-based national standard for developing high-performance, sustainable buildings. LEED emphasizes state-of-the-art strategies for sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality. A project's final level of LEED certification is awarded based on an accumulation of points awarded for environmentally sensitive construction and development.

	(Advisory Agency's Parking Policy)		
<b>Shared Ride Cars</b>	---	---	3 spaces
<b>Total</b>		870	508

\*398 residential parking spaces will be provided, plus three designated Flexcar spaces for residents' use, for a total of 401 parking spaces.

The proposed project is providing all of the required parking spaces for the retail/commercial and office uses pursuant to LAMC Section 12.21.A.4(x). The project site falls within a City Council-approved parking exception area (the Hollywood Redevelopment Project Area) for which the required parking for commercial, office, business, retail, restaurant, bar, and related uses, trade schools or research and development buildings is two spaces for every 1,000 square feet of floor area (which is half of the general Citywide requirement of four spaces for every 1,000 square feet of floor area). The residential parking spaces will be provided at a residential parking ratio of 1.28 spaces per condominium unit.

#### Building Height/Urban Design

The proposed project has a stepped-down massing in which the tallest portion of the building will be located adjacent to Sunset Boulevard, and the building will step down towards the residential, lower-intensity uses along Gordon Street. The proposed development will have three main components: residential tower, parking podium (with commercial/retail and office space) and a public park. The largest massing of the building will be the 23-story residential tower (18 stories of residential dwelling units atop a 5-level podium base), which will be located along Sunset Boulevard, in the current C4-1-SN Zone.

The parking podium will contain all of the proposed project's parking spaces, the commercial/retail space, and the office space. The parking podium will comprise four subterranean levels and two levels above grade, reaching a height of 27 feet above grade. It will be located on current site of the existing restaurant and associated parking, which extends up Gordon Street into the currently-zoned [Q]R4-1VL parcels and abuts the Gordon lots that are proposed to become the public park.

The final component of the proposed project will be the public park (owned by the CRA and/or Department of Recreation and Parks as per the CRA OPA approved by the CRA Board of Commissioners and City Council, dated December 14, 2007, which will be located on the Gordon lots and surrounded by residential uses in the [Q]R4-1VL Zone. The public park comprises part of the open space for the proposed project, but will be located at grade level open and accessible to the public. The park will be sold to a separate entity, although the HOA will maintain the park.

#### Open Space/Required Yards

The proposed project is providing approximately 81.5% of the required open space, which includes the creation of a new public park. Open space is provided as shown in the chart below.

**Provision of Open Space**

<b>Open Space</b>	<b>Required</b>	<b>Provided</b>
<b>Common*</b>	18,400 s.f. (50% min.)	28,600 s.f.
<b>Private</b>	18,400 s.f. (50% max.)	1,400 s.f.
<b>Total</b>	36,800 square feet	30,000 square feet

\*Includes the public park.

### 5939 Sunset Blvd. Existing Restaurant

The 5939 Sunset Blvd. existing restaurant is a 15,252 square-foot, one-story un-reinforced masonry building that was originally constructed in 1924. Over the past 82 years, the structure has been utilized for various uses, including a new car showroom, a radio station, a theater school, a motion picture hall of fame, a medical clinic, and, finally, the existing restaurant. While the existing structure does not meet the criteria to be designated as an historic resource pursuant to CEQA, the Applicant is seeking to retain and rehabilitate parts of the exterior façade and portions of the interior to memorialize the social significance of this building as it relates to the development of the Hollywood area.

The project design goals are to maintain a portion of the existing building and to return exterior details and materials to the original aesthetic, as built in 1924. Upon completion of the rehabilitation and surrounding new development, the revived existing restaurant building will be architecturally incorporated into the podium portion of the proposed development and occupied by a commercial use, as it was originally designed.

### Issues

**PARKING:** The biggest issue regarding the proposed development is the request for reduction in parking spaces. The applicant is requesting a waiver of 114 or nearly 22% of the required LAMC residential parking spaces. The Code requires 512 spaces. The applicant is providing 398 spaces + 3 spaces for Zipcars/Shared Cars (formerly Flexcars before a merger) for a total of 401 spaces or 78% of the required spaces. The following is a discussion of different alternatives to the required parking which is by no means exhaustive or conclusive.

10% reduction if located within 1,500 feet distance from the portal of a fixed rail transit station, or bus station or other similar transit facility. The project is already getting a big break from requirements of the LAMC for the commercial/retail/office portion of the project. LAMC requires 185 parking spaces, but because the project is located within a CRA area, where the requirement is for 2 spaces per 1,000 square feet of combined commercial/retail/restaurant/office, the project is providing 107 spaces or only 61% of the required parking.

The LAMC allows through a Director's Determination or Zoning Administration request, a 10% reduction in parking requirements, if a commercial or industrial building is located on a lot not more than 1,500 feet distance from the portal of a fixed rail transit station, or bus station or other similar transit facility. Even though the subject request is for residential parking reduction, the building is mixed-use, and the same standard could be applied. However, the closest Metro station to the site at Hollywood and Vine is approximately 3/4<sup>th</sup> of a mile or about 3,960 feet.

The area, however, is in proximity to other Metro Red Line stations of Vermont/Santa Monica and Hollywood/Highland connected via the Hollywood DASH. Due to the project location in proximity to major transportation corridors, staff is recommending a 10% reduction in the required parking which would result in 51 less parking spaces for a total required parking of 461 spaces. No further reduction in parking spaces is recommended or justified in an area of parking shortage.

Zipcars/Shared Cars: The project is providing 3 on-site Zipcars (a merger of Flex cars with Zipcars). The applicant claims that independent studies indicate that one Zipcar can replace 14 privately owned cars, and thus additional parking spaces should be waived. It is a

progressive alternative to providing some of the required parking, however, it does have potential pitfalls. Zipcars is a private enterprise which could go out of business like any other company, and a parking reduction based on this would leave the project with a parking shortfall. Additionally, 3 Zipcars may be inadequate for the number of people in 305 units.

Provision of cars in lieu of Zipcars: The applicant could be required to provide 10 hybrid cars for the use of the residents at no cost to them in lieu of some of the required parking spaces. Potential problems would be the administration and maintenance of these vehicles which would require the cooperation and acquiescence of the HOA. Even if the cars were provided free initially, they do have a finite life and what are the options after that.

Reduction in cost of housing by providing less parking: There is no doubt that providing less parking especially subterranean would reduce the cost of a building. The issue, however, is whether these savings are passed on to the purchaser, or simply increase the profit of the developer. This issue has also been raised in a Council Motion (07-2991-S1) dated November 7, 2007 (attached as Exhibit C) which critiques the Planning Department's report, recently approved by the Planning Commission, to reduce the required parking in buildings that fall within 750 feet of a bus or rail line. The Motion contends that with parking spaces costing around \$30,000 a space to construct, reducing them in new projects would greatly increase profits for developers, who may or not choose to pass on some of this largess in the form of savings to prospective buyers. Further, that the base assumption, that people who live near transit lines will take public transit has been shown to be flawed. The Motion directs the Planning Department to report on the feasibility of offering developers in transportation corridors the choice of reducing the amount of parking spaces they must build in exchange for a new Transit System Construction Fee to build the transit system.

The Council Motion has merit, since there is no way to verify if the savings from reduced parking are concomitantly reducing the cost of housing for the buyer. The projects take years to build, and no financial data are provided during the application process or thereafter. The only way to verify this would be to require the developer to provide the selling price of the units with data on sale of comparable units in the vicinity. The question is to whom. Assuming that the units are no cheaper than the comparables with Code required parking, there appears to be no solution. It is doubtful whether a condition requiring the units to sell for less would be legally enforceable. All that would be accomplished is to have a building with inadequate parking, an inconvenience to the residents, and a parking problem for the community.

Sale of additional parking: The project contains 305 units of which the revised number now is 108 2-bedroom units and 197 1-bedroom units. The applicant's proposal is to provide 398 parking spaces with one space per unit, and sell the remaining 87 at \$60,000 per space. This follows from the same logic discussed above, that the units will be less expensive, if one does not opt for a second space. This is correct, except that there is no way to verify the true cost of the units and whether the additional space is being sold for additional profit.

Another school of thought which is gaining currency in some quarters is the belief, that less parking equates to greater use of public transit. With only one space per unit, people will be forced into altering their life style, not buy the second car, and start using public transit. Convenience is critical to the success and usage of mass transit. The existing public transit in the city is still lacking in that respect. The non-provision of adequate parking spaces, however, maybe a punitive way of forcing choices on people. If the intent is ease traffic congestion and encourage the use of public transit, then incentives other than selling parking spaces should be provided. If the applicant is willing to place \$60,000 per parking space for the 87 spaces into a fund to be managed by the HOA for the use of public transit by project residents and employees, then the remainder of the parking spaces can be

waived. Paying a fee into the proposed new Transit System Construction Fund as per the Council Motion is a long term solution and would not alleviate the lack of parking in a building or neighborhood.

For sale units. Perhaps the most justifiable reason for not providing Code required parking is that the proposed units are for-sale, and the buyer would be aware of the lack of parking. As the Council Motion states, however, many would be tempted to buy the reduced priced units just to get a toe hold in the housing market, even if they owned a car. It is also likely, that the residents would create spill-over parking problems for the neighborhood, in addition to traffic congestion by circulating around looking for a parking space.

Work Force Housing. As per the Owner Participation Agreement between the CRA and the applicant (attached as Exhibit D), CRA will provide approximately \$90,000 per unit for 30 units to be affordable at 120% of the median income and 30 units at 150% of the median income. This results in approximately 19% of the units being subsidized by the CRA for workforce housing with none set aside for Low or Very Low income purchase. Staff does not understand this type of financial arrangement or the benefits of providing for-sale units to a handful of people. CRA staff will be at the Commission meeting to explain their involvement in the project.

Variances. The applicant had applied for the proper procedure of a General Plan Amendment and Zone Change for the proposed project. It was staff's recommendation that the Amendment and zone change not be approved over the entire site due to reasons elaborated in the findings. The request has since been modified. However, the intent is not to prevent the subject project from being built. Due to the complexities of the Zoning Code, several new variances were triggered to allow the project, which has not changed and remains the same as presented at the public hearing.

## **SURROUNDING ZONES AND USES**

### **STREET DESIGNATIONS**

Sunset Boulevard is designated as a Major Highway Class II, currently 100 feet in width.

Gordon Street is designated a Non-Continuous Local Street, currently 52 feet in width.

### **SURROUNDING ZONES AND USES**

To the West (across Gordon Street): C4-1-SN & [Q]R4-1VL: low-rise commercial/retail use and associated surface parking

To the East: C4-1-SN & P-1: surface parking

To the South (across Sunset Boulevard): [Q]C4-1: surface parking and low-rise retail/commercial

To the North: [Q]R4-1VL: medium-density residential

## **PREVIOUS CASES**

### **CPC-2003-2115-CRA**

First Amendment to the Hollywood Redevelopment Plan, which included the following relevant provisions:

- Extension of the CRA's authority to acquire property via eminent domain (except if there are people living on the property), and
- Revised the Redevelopment Plan to be in conformance with the Hollywood General Plan
- Included a comprehensive Environmental Impact Report for the Hollywood Redevelopment Project Area.

**CPC 2006-4117-ZC-ZV-ZAD-SPR**

A request on the subject site for a Zone Change from C4-1SN and [Q]R4-1VL to RAS4-2DSN for the development of a 13-story mixed-use development consisting of 124 for-sale-condominium units, approximately 9,805 sq.ft. of retail, retaining portion of the existing restaurant, approximately 37,763 sq.ft. of office space on the second and third floors and a semi-subterranean parking structure containing 358 parking spaces. The case was still open awaiting a MND. During research for the subject case, the applicant on the other case was contacted, and staff was informed that the property was sold to the subject applicant. The applicant never bothered to inform the City and has now been asked to withdraw the case.

**CPC-2002-4173-SUD / ENV 2003-1377-MND**

Established the Hollywood Signage Supplemental Use District

**CPC-1999-324-ICO**

Interim Control Ordinance to prohibit freestanding signs (billboards) in the Hollywood Redevelopment Project Area for 365 days, extendable for another 180 days, or until a permanent control ordinance is established, whichever comes first.

Ordinances**176,172**

Established the Hollywood Signage Supplemental Use District, effective December 4, 2004.

**175,038**

Established the Adaptive Reuse Incentive Areas Specific Plan, effective February 9, 2003.

**165,662**

Established Q Condition on the project site, restricting residential density in the R4 Zone to 1 dwelling unit per 600 square feet of lot area, effective May 7, 1990.

**Conclusion**

The project is proposed to be a "Gold" LEED building that will help to revitalize this part of Hollywood and provide much needed housing and office space. It is recommended for approval as modified by the Conditions of Approval.

## (Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

### A. Entitlement Conditions

1. Use. The use and area regulations of the subject property shall be limited to the provisions of the C2-2D Zone as defined in Section 12.14 of the LAMC, and the (Q)R4-1VL zone as defined in Section 12.11 of the LAMC for the northerly adjoining three (3) lots with frontage on Gordon Avenue, except as modified herein, by the Variances, Conditional Use and Adjustments pursuant to CPC-2007-515-GPA-ZC-HD-CU-PAB-ZV-ZAA-SPR. The ground floor of the building shall contain 13,500 square feet of retail uses including 8,500 square feet of restaurant space; the podium portion of the building shall contain 40,000 square feet of office space. The (Q)R4-1VL zoned portion of the site shall contain at least a 21,177 square-foot park, open and accessible to the public.
2. Height. The height on the C2-2D zoned portion of the site shall be limited to 260 feet, as defined by Municipal Code Sections 12.03 and as modified by Sections 12.21.1.B3(a) and (b) of the Code. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.
3. Floor Area Ratio (F.A.R.). The total floor area of a structure or structures on the C2-2D portion of the property shall not exceed 5.15:1 times the buildable area of the lot.
4. Density. No more than 305 dwelling units shall be constructed on the subject property.
5. Green Building. Prior to the issuance of any permits for the subject project, the applicant shall register the project with the Leadership in Energy and Environmental Design (LEED) Green Building Rating System for LEED certification. The project shall meet the current LEED 2.2 prerequisites and performance benchmarks (credits) so that it meets the Gold level of certification per the most applicable LEED rating systems (NC, EB, C&S, CI, Home, ND).

At the time of submittal for Planning Department approvals, the applicant shall submit evidence of LEED registration and an completed LEED checklist that identifies what credits are likely possible, and not likely for the project to achieve.

An updated version of the checklist shall be submitted in conjunction with the Plan Check application. A final checklist, signed by the applicant and architect of record shall be submitted, prior to issuance of the Certificate of Occupancy.

A certificate from the US Green Building Council stating the project's level of certification shall be provided to the Planning Department, no more than 18 months after the date that the project receives certificate of occupancy.

6. Work force housing, Office space, and Park. Prior to the issuance of any project related shoring and/or excavation permit, Applicant shall execute and record an Agreement Containing Covenants in the form of Exhibit D attached to the Owner Participation Agreement approved by the CRA Board of Commissioners on October 18, 2007 and concurred in by the Los Angeles City Council on December 14, 2007 (the "OPA") between Applicant and the CRA, which includes provisions to provide workforce

housing, office space and a public park upon satisfaction of certain terms and conditions set forth in the Agreement Containing Covenants. A certified copy of such recorded document shall be provided to the Los Angeles City Planning Department to be placed in the project file (CPC 2007-515-GPC-ZC-HD-CU-PAB-ZV-ZAA-SPR). Any subsequent modifications or amendments to the Agreement Containing Covenants, relating to the workforce housing, office space or public park provisions of that Agreement, shall be subject to the review and approval of the Director of Planning (or the Director's designee).

7. Site Plan. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit B1, dated March 13, 2008, and attached to the subject City Plan Case file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the satisfaction of the Planning Department.
8. Parking. Parking shall be provided at 2 spaces per 1,000 square feet of combined commercial/retail/restaurant/office space, as per Section 12.21.A.4(x) of the LAMC. Residential parking shall be per Code, except as modified herein.
9. TDM Measures. As per Section 12.26 J.1.3 of the LAMC for development in excess of 50,000 square feet of gross floor area, the owner shall provide a bulletin board, display case, or kiosk (displaying transportation information) where the greatest number of employees are likely to see it. The transportation information displayed should include, but is not limited to, the following:
  - (1) Current routes and schedules for public transit serving the site;
  - (2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operations;
  - (3) Ridesharing promotion material supplied by commuter-oriented organizations;
  - (4) Regional/local bicycle route and facility information;
  - (5) A listing of on-site services or facilities which are available for carpoolers, vanpoolers, bicyclists, and transit riders.
  - (6) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;
  - (7) One permanent, clearly identified (signed and striped) ridesharing carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area.
  - (8) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;
  - (9) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;
  - (10) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;
  - (11) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;

- (12) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.
10. Landscape Plan. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.
  11. Graffiti. The owners shall maintain the subject property clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8101-F, 91.8904-1 and 91.1707-E. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to heights of at least 9-feet, excluding windows and signs.
  12. Air Pollution (Stationary). The applicant shall install an air filtration system to reduce the diminished air quality effects on occupants of the project.
  13. If any archaeological or paleontological materials are encountered during the course of the project development, the project shall be halted in the area of discovery. The services of a professional archaeologist or paleontologist shall be secured by contacting the Center for Public Archaeology - Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist and/or the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Museum to assess the resources and evaluate the impact; Copies of the archaeological or paleontological surveys, studies or reports shall be submitted to the UCLA Archaeological Information Center. MM-1.
  14. All on-site advertising signage shall be designed and maintained in accordance with the LABC Sign Manual Document P/BC 2002-078, except as otherwise restricted, herein, through the Hollywood Signage Supplemental Use District. MM-3.
  15. The park shall be maintained by the Project Applicant as per the CRA OPA, and shall be open and accessible to the public. MM-31. The park shall be actively operated and maintained for the life of the Project by the Project Applicant, Condominium Homeowner's Association (HOA), or designated non-profit organization with the experience and ability to maintain the park in accordance with the public health and safety standards employed by the Department of Parks and Recreation. MM-4.
  16. The Proposed Project shall include low-level directional lighting at ground, podium, and tower levels of the exterior of the proposed structures to ensure that architectural, parking and security lighting does not spill onto adjacent residential properties. MM-5.
  17. The Proposed Project's façades and windows shall be constructed with non-reflective materials such that glare impacts on surrounding residential properties and roadways are minimized. MM-6.
  18. The Proposed Project shall be designed and constructed in accordance with the requirements outlined in the latest edition of the City of Los Angeles Uniform Building Code, including all applicable provisions of Chapter IX, Division 70 of the LAMC, which addresses grading, excavations and fills. MM-7.
  19. The Proposed Project shall be designed and constructed in accordance with the recommendations provided in the Revised Report of Geotechnical Engineering Services,

Former Old Spaghetti Factory, 1500-1540 Gordon Street and 5929-5999 West Sunset Boulevard, Hollywood, California (the "Geotechnical Report") prepared by GeoDesign, Inc., dated November 9, 2006. MM-8.

20. The Project Applicant shall ensure geotechnical testing and observation be conducted on-site by a state certified geotechnical engineer during any excavation and earthwork activities to ensure that recommendations provided in the Project Geotechnical Report are implemented where applicable. MM-9.
21. All asbestos containing materials (ACMs) present in existing on-site structures shall be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations. Prior to the issuance of the demolition permit, the Project Applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant stating that no ACMs remain in any existing on-site structures. MM-11.
22. A licensed Lead-Based Paint (LBP) Inspector shall be retained to determine the presence of LBP and lead-based paint containing materials (LBPCM) within structures to be demolished on the Project Site, consistent with the 1994 Federal Occupational Exposure to Asbestos Standards, Occupational Safety and Health Administration, 29 CFR 1910.1001, 1926.1101, and 1915.1001. The Project Applicant shall be required to comply with all applicable State and Federal policies and procedures for removal of LBPCM present on the Project Site. MM-12.
23. The Project Applicant shall prepare and submit an emergency response plan for approval by the City of Los Angeles Planning Department and the City of Los Angeles Fire Department. The emergency response plans shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments. MM-15.
24. All exterior windows within the Proposed Project shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room. MM-16.
25. The Proposed Project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible. MM-17.
26. The air inlets of HVAC units installed at the Project Site shall be oriented to the east away from the residential neighborhood to the west of the site. MM-18.
27. Concrete, not metal, shall be used for construction of parking ramps. The interior ramps shall be textured to prevent tire squeal at turning areas. MM-19.
28. The Project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to

- irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season). MM-21.
29. If conditions dictate, the Department of Water and Power may postpone new water connections for this Project until water supply capacity is adequate. MM-22.
  30. The Proposed Project shall meet or exceed all Title 24 energy conservation requirements as they apply in the City of Los Angeles. MM-23.
  31. The Project Applicant shall develop an operational project-recycling plan that includes the design and allocation of recycling collection and storage space in the project that conforms to the City's space allocation ordinance of the Los Angeles Municipal Code (LAMC) which includes provisions for recycling areas or rooms in all new development projects. MM-24.
  32. The Project Applicant shall employ security guards to monitor and secure the Proposed Project Site after hours during the construction process to secure the site and deter any potential criminal activity. MM-26.
  33. In order to mitigate the potential temporary and short-term traffic impacts of any necessary lane and/or sidewalk closures during the construction period, the Proposed Project shall, prior to construction, develop a Construction Traffic Control/Management Plan to be approved by LADOT to minimize the effects of construction on vehicular and pedestrian circulation and assist in the orderly flow of vehicular and pedestrian circulation in the area of the Proposed Project. The Plan should include temporary roadway striping and signage for traffic flow as necessary, as well the identification and signage of alternative pedestrian routes in the immediate vicinity of the Project if necessary. MM-27.
  34. The Project Applicant shall submit plot plans to the Los Angeles Police Department's Crime Prevention Section for review and comment. Plans shall include access routes, floor plans, and any other additional information that might facilitate prompt and efficient police response. Security features recommended by the LAPD shall be implemented to the extent feasible. MM-28.
  35. The Security Plan shall incorporate low-level and directional security lighting features to effectively illuminate project entryways, seating areas, lobbies, elevators, locker rooms, service areas, and parking areas with good illumination and minimum dead space to eliminate areas of concealment. Full cut-off fixtures shall be installed that minimize glare from the light source and provide light downward and inward to structures to maximize visibility. MM-33.
  36. The Project Applicant shall develop and implement a Security Plan in consultation with the LAPD outlining the security services and features to be provided in conjunction with the Proposed Project. The plan shall be coordinated with the LAPD and a copy of said plan shall be filed with the LAPD Central Bureau Commanding Officer. Said security plan may include some or all of the following components:
    - a. Provisions for an on-site private security force for the commercial and residential areas. Through individual lease agreements for the proposed retail/commercial uses and property management services for the residential uses, private on-site security services shall provide a 24-hour presence. Security officers would be responsible for patrolling all common areas including the back service corridors and alleys, parking garages, and stairwells. All security officers will carry radios and patrol the grounds primarily by foot;

however, bike patrol may be implemented in the parking garages and on the surrounding roadways.

- b. The parking garages shall be designed to cordon off residential and commercial serving parking areas to provide increased security for project residents. Both residential and commercial parking areas shall be fitted with emergency features such as closed circuit television (CCTV) or emergency call boxes that will provide a direct connection with the on-site security force or the LAPD 911 emergency response system. MM-34.
- 37. All requirements of LAMC Section 57.09.07, pertaining to the installation of automatic sprinkler systems in high-rise structures shall be followed. MM-35.
- 38. The Proposed Project shall maintain appropriate fire and police access to the Project Site during the construction process. MM-13. LAFD access shall remain clear and unobstructed at all times during the construction period. MM-36.
- 39. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of LAFD aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width. MM-37.
- 40. The width of private roadways for general access use and fire lanes shall not be less than 20 feet clear to the sky. MM-38.
- 41. Fire lanes, where required and dead-ending streets, shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required. MM-39.
- 42. Where access for a given development requires accommodation of LAFD apparatus, minimum outside radius of the paved surface shall be 35 feet. An additional six feet of clear space must be maintained beyond the outside radius to a vertical point 13 feet 6 inches above the paved surface of the roadway. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where the travel distance shall be computed to the front door of the unit.

No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane. Access for LAFD apparatus and personnel to and into all structures shall be required.

At areas designated by the LAFD, the structural system shall be demonstrated, by engineering calculations, as capable of sustaining LAFD vehicle loads. The design methodology shall conform to the latest edition of the State of California Department of Transportation Bridge Design Specifications Manual. The Proposed Project shall comply with all applicable State and local codes and ordinances, and guidelines found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the General Plan for the City of Los Angeles. MM-40- MM 45.

- 43. The Project Applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area. MM-46.
- 44. In order to mitigate the potential temporary and short-term traffic impacts of any necessary lane and/or sidewalk closures during the construction period, the Proposed Project shall, prior to construction, develop a CTCM Plan to be approved by LADOT to

minimize the effects of construction on vehicular and pedestrian circulation and assist in the orderly flow of vehicular and pedestrian circulation in the area of the Proposed Project. The CTCM Plan should include temporary roadway striping and signage for traffic flow as necessary, as well the Proposed Project if necessary. MM-47.

45. Construction (Air Quality).
  - a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
  - b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, construction and hauling, and at all times provide reasonable control of dust caused by wind.
  - c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.
  - e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.
  - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
46. Construction (Grading). Grading, excavations and fills shall comply with Chapter IX, Division 70 of the Municipal Code. All grading activities required shall receive grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within a hillside area. The application of Best Management Practices shall include but not be limited to the following measures:
  - a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
  - b. Appropriate erosion control and drainage devices shall be incorporated to the satisfaction of the Building and Safety Department, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. Install roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, and can provide groundwater recharge and reduce excess runoff into storm drains.
  - c. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
47. General Construction.
  - a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials, including solvents, water-based paints, vehicle

fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

- b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
  - c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
  - d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
  - e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
  - f. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.
48. Solid Waste. The developer shall institute a recycling program to the satisfaction of the Planning Department to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.
49. Haul Routes. The applicant shall comply with the Conditions of Approval as established by the City Department of Transportation in an interdepartmental memorandum to the City Planning Department dated December 18, 2007. The applicant shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

### **C. Conditional Use Conditions**

The conditional use authorization granted herein for the sale of alcoholic beverages for on-site consumption shall be limited to a total of one (1) license. The following conditions shall also apply:

- a). The applicant or individual operator shall file a Plan Approval with the Department of City Planning prior to the utilization of any grant made herein pursuant to the sale of alcoholic beverages and for permission of on-site entertainment use. The plan approval shall be accompanied by the payment of appropriate fees, pursuant to Section 19.01 C of the Municipal Code, and must be accepted as complete by the Department of City Planning. Mailing labels shall be provided by the applicant for all abutting property owners. In reviewing the plan approvals for alcohol sales and consumption, the Director of Planning may consider conditions volunteered by the applicant or suggested by the Police Department, but not limited to establishing conditions, as applicable, on the following: hours of operation, security plans, maximum seating capacity, valet parking, noise, character and nature of operation, food service and age limits.
- b). Prior to the issuance of any permits relative to this matter, the applicant shall submit an overall security plan for the project site which shall be prepared in consultation

with the Los Angeles Police Department and which addresses security measures for the protection of residents, visitors, and employees. The project shall include appropriate security design features for semi-public and private spaces, which may include, but shall not be limited to: access control to buildings; secured parking facilities; walls/fences with key security; lobbies, corridors and elevators equipped with electronic surveillance systems; well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment; and location of toilet facilities or building entrances in high foot traffic areas. Under the plan approval process individual security plans for each use may also be considered and required.

c). The alcoholic beverage license for the restaurant shall not be exchanged for "public premises" licenses unless approved through a new conditional use authorization. "Public Premises" is defined as a premise maintained and operated for sale or service of alcoholic beverages to the public for consumption on the premises, and in which food is not sold to the public as a bona fide eating place.

d). The sale of on-site alcoholic beverages shall be limited to the hours between 11:00 AM and 11:00 PM.

e). The owners, operators, managers, and all employees serving alcohol to patrons shall enroll in and complete a certified training program is recognized by the State Department of Alcoholic Beverage Control for the responsible service of alcohol. This training shall be completed by new employees within four weeks of employment and shall be completed by all employees serving alcoholic beverages every 24 months.

f). Any establishment applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all vendors of alcoholic beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.

g). A 24-hour telephone hot line shall be provided to residents and local neighborhood associations for reporting of any complaints. The hotline shall be answered promptly at all times to receive and resolve complaints regarding the operation of the center, including any of its establishments, or violations of the permit.

h). A phone number to a responsible representative of the owner shall be posted at each establishment for the purposes of allowing residents to report an emergency or a complaint about the method of operation of any facility serving alcoholic beverages.

i). The project site managers, individual business owners and employees of all private security officers shall adhere to and enforce the 10 p.m. curfew loitering laws concerning all minors within the grounds of the project site without a parent or adult guardian. Staff shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.

k). A "Designated Driver Program" shall be operated to provide an alternative driver for restaurant or bar patrons unable to safely operate a motor vehicle.

l). All personnel acting in the capacity of a manager of the premises and all personnel who serve alcoholic beverages shall attend the Standardized Training for Alcohol Retailers (STAR) sponsored by the Los Angeles Police Department at the session immediately following the opening of the food market. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months.

m). All public telephones shall be located within the interior of the establishment structure. No public phones shall be located on the exterior of the premises under the control of the establishment.

n). No employee shall solicit or accept any beverage from any customer while in the premises. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customers.

o). There shall be no exterior window signs of any kind or type.

p). Signs shall be posted in a prominent location stating that California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age. "No loitering or Public Drinking" signs shall be posted outside the subject facility.

q). The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Department to impose additional corrective conditions, if, it is determined by the City Planning Department that such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

r). If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the City Planning Department will have the right to require the Petitioner(s) to file for a Plan Approval application together with the associated fees and to hold a public hearing to review the Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.

#### **D. Other Conditions**

50. Posting of Construction Activities. The adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.
51. Construction-related Parking. Off-street parking shall be provided for all construction-related parking generated by employees of the proposed project. No employees or subcontractor shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owner's base of operations.
52. Truck Traffic Restricted Hours. Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period.

53. Maintenance. The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
54. Dust Walls. Temporary dust walls (e.g., Visqueen plastic screening or other suitable product) not less than 8 feet in height shall be installed and maintained along the property line as necessary to preclude dust dispersion from the project site to adjacent properties. The walls shall be in place during any time period when grading is being conducted within 100 feet of any occupied residence on adjoining lots.

**E. Administrative Conditions**

55. Approval, Verification and Submittals. Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
56. Code Compliance. Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
57. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
58. Definition. Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
59. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
60. Building Plans. Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
61. Corrective Conditions. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
62. Idemnification. The applicant shall defend, idemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the

defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

63. Utilization of Concurrent Entitlement. The subject Zone Change, Conditional Use, Zone Variance, Adjustment and Site Plan Review require completion of all applicable conditions of approval herein to the satisfaction of the Department of City Planning. The applicant/owner shall have a period of six years from the effective date of the subject Zone Change approval to effectuate the terms of the Zone Change; a period of two years from the effective date of the subject approvals to effectuate the terms of the Zone Variance and Adjustment entitlements, and two years and an additional year to effectuate the Conditional Use and Beverage Plan Approval entitlements by either securing a building permit or a Certificate of Occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the grant, the applicant files a written request, and is granted an extension to the termination period for up to one additional year pursuant to applicable provisions of the Municipal Code.

Thereafter, these enumerated entitlements shall be deemed terminated and the property owner shall be required to secure a new authorization for the use. If a building permit is obtained during this period, but subsequently expires, this determination shall expire with the building permit.

## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32 G of the Municipal Code, the (T) or [T] Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedication(s) and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies, as may be necessary).

1. Responsibilities/Guarantees.

a. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.

b. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

2. Transportation Dedications. The applicant shall consult with the Bureau of Engineering and the Department of Transportation (DOT) for any dedications. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, department of Public Works. Any dedication must be completed prior to issuance of any Certificate of Occupancy to the satisfaction of the Bureau of Engineering.

The dedications and improvements shall include, but not be limited to, the following:

a. A 2-foot wide strip of land be dedicated along Sunset Boulevard adjoining the subdivision to complete a 52-foot wide half right-of-way dedication in accordance with Major Highway Standards.

b. A 1-foot wide strip of land be dedicated along Gordon Street adjoining the subdivision at location where there is no existing structure to remain to complete a 27-foot wide right-of-way dedication. A certified survey map shall be submitted with the final map showing the dimensions and location of the existing structure.

c. Remove and reconstruct the existing catch basins along Sunset Boulevard adjoining the subdivision in connection with street widening required herein.



9. Fire Safety. The requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the issuance of any building permit. The plot plan shall include the following minimum design features:
  - a. Fire lanes, where required, shall be a minimum of 20-feet in width;
  - b. All structures shall be within 300-feet of an approved fire hydrant. Distance shall be computed along path of travel. Exception: Dwelling unit travel distance shall be computed to front door of unit.
  - c. Entrances to any dwelling unit or guest room shall not be more than 150-feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
  - d. All structures should be fully sprinklered.
  - e. Adequate public and private fire hydrants shall be required.
  - f. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - g. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
  - h. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
  - i. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
  - j. Private streets shall be recorded as Private Streets, AND Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.
  - k. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
  - l. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
10. Police. The requirements of the Police Department relative to public safety and crime prevention shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Police Department either prior to the issuance of any building permit.
11. Recreation and Parks. Per Section 12.33 of the Municipal Code, the applicant shall dedicate land for park or recreational purposes and/or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

12. School District Fees. The Project Applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the Project area.
13. Covenant: Prior to the issuance of any permits relative to this matter, an agreement concerning off the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

Notice: Certificates of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

## **“D” DEVELOPMENT CONDITIONS**

Section 3. Pursuant to Section 12.32 H of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “D” Development classification.

**Floor Area Ratio (F.A.R.).** The total floor area of a structure or structures on the property shall not exceed 5.15:1 the buildable area of the lot.

### **CONDITIONAL USE, ZONE VARIANCE, ADJUSTMENT, AND SIGNAGE CONDITIONS OF APPROVAL**

1. Notwithstanding LAMC Section 12.21.A.4, the project shall be allowed a residential parking ratio of 1.51 parking spaces per unit.
2. Notwithstanding LAMC Section 12.21.A.5, the project shall be allowed reduced clear space at structural elements from 10 inches to zero inches, and allowed 40% compact stalls in lieu of the one required standard parking stall per residential dwelling unit
3. Notwithstanding LAMC Section 12.11.A, 12.14.C, and 12.1.A, the project shall be allowed density averaging to include property that is not currently located in a C or M Zone, specifically to include property located in the (T)(Q)R4-1VL Zone.
4. Notwithstanding LAMC Section 12.21.G, the project shall be allowed reduced open space of approximately 96 square feet for every dwelling unit.
5. Notwithstanding LAMC Section 12.21.C.1(i), Section 12.21.C.1(j) and Section 12.11 the project shall be allowed the proposed public park to be sold as a separate condominium unit and to be constructed, operated, maintained and located above the Parking Building in the (T)(Q)R4-1VL Zone.
6. Notwithstanding LAMC Section 12.11, the project shall be allowed to include a Parking Building and underground parking to be constructed, operated and maintained in the (T)(Q) R4-1VL Zone.
7. Notwithstanding LAMC Section 12.21 C.5(h), the project shall be allowed the Parking Building and Public Park to be maintained as accessory uses in relation to the primary uses (mixed use building) in the adjacent commercial zone, and to allow pedestrian and vehicular access and circulation between the residential and commercial zones.
8. Notwithstanding LAMC Section 12.11.C, 12.14.C, 12.21.1.A.2 and 12.37.G, the project shall be allowed to include area required for street dedications for the calculation of floor area and density.
9. Notwithstanding LAMC Section 12.14.C and 12.11.C, the project shall be allowed reduced easterly and westerly side and rear yards of 0 feet instead of 16 (side) and 20 (rear) feet.
10. The project shall be permitted floor area averaging across the entire site.

11. A Specific Plan Project Permit Compliance for the referenced project in conformance with applicable regulations of the Hollywood Signage Supplemental Use District to permit one 43'-2" by 44'-9", approximately 1,931 square foot Supergraphic Sign on the southeasterly corner of the podium structure (east façade) at 5929-5945 Sunset Boulevard and 1512-1540 Gordon Street. (Exhibit H).

A Sign Reduction Plan attached as Exhibit H-1 removing one billboard and utilizing the sign credit granted to Van Wagner Outdoor pursuant to case number DIR-2007-5241-SPP (Exhibit H-2) for a total credit of 3,136 square feet.

The proposed Supergraphic Sign shall be in substantial conformance with the size, materials, and other design features shown on the plans submitted by the Applicant, Exhibit H.

There shall be no additional signs installed on the subject structure except as currently approved.

The sign area of the proposed Supergraphic Sign shall be in accordance with the LAMC sign ordinance regulations, as determined by the Department of Building and Safety or as permitted by this Sign District.

The proposed Supergraphic Sign shall obtain approval from the Fire Department and the Department of Building and Safety in relation to its covering of windows, doors, vents, and other openings.

The sign materials shall be approved by Fire Department and the Department of Building and Safety.

On each Supergraphic Sign, the written message, including logos, shall not exceed 15 percent of the total sign area.

The applicant shall remove or cause to be removed the billboard totaling 3,136 square feet as detailed in the attached Sign Reduction Plan Exhibit H-1. Prior to the issuance of any sign permit and prior to the installation of the proposed Supergraphic Signs on the site, photographic evidence of the removal of the sign as well as approved demolition permits shall be given to the Department of City Planning Staff for inclusion in the file.

All mounting procedures shall be to the satisfaction of the Department of Building and Safety.

12. Entitlement: The use and development of the property shall be in substantial conformance with the plot plan submitted, stamped and dated March 13, 2008 by Planning Department staff, and attached to the subject Case file CPC-2007-515-GPA-ZC-HD-CU-PAB-ZV-ZAA-SPR.

## FINDINGS

### **1. General Plan Land Use Designation**

The subject property is located within the Hollywood Community Plan area, which was adopted by the City Council on December 13, 1988 (pursuant to Council File 86-0695-S1). The Plan Map designates the 32,860 square foot portion of the subject property, fronting on Sunset Boulevard for Highway Oriented Commercial land use with corresponding zones of C1, C2, RAS3, RAS4 and P. The R5 zone is allowed in Regional Center Commercial. Footnote No. 12 of the Plan limits all Highway Oriented Commercial properties located within the Hollywood Redevelopment Project area to a maximum FAR of 1.5:1. The northerly 39,236 square foot portion of the property with frontage on Gordon Avenue is designated for High Medium Residential with a corresponding zone of [Q]R4-1VL with maximum density limited to one dwelling unit per six hundred (600) square feet of lot .

### **2. General Plan Text**

The Framework Element of the General Plan contains a number of policies relating to the promotion of housing in the City's centers and along the transit corridors. The Land Use Chapter of the Framework Element also presents policies relating to the promotion of housing in the City.

*Objective 3.2 Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.*

*Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

*Policy 3.4.1 Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards.*

*Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.*

**3. City Charter Sections 556 and 558.** The requested General Plan Amendment from Highway Oriented Commercial to Regional Center Commercial with corresponding zones of C4, C2, P, PB, RAS3, RAS4 and R5 on the site with the exception of the three approximately 21,578 square foot northerly lots (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2) complies with sections 556 and 558 of the Charter, in that, it reflects the land use patterns on three sides of the subject site designated for Highway Oriented Commercial and Industrial.

The proposed mixed-use project is consistent with the existing land use pattern along Sunset Boulevard. The land uses surrounding the project site consist primarily of commercial/retail and residential uses. It fronts a major street, is in proximity to transit corridors, abuts parking on the

east side, and is located across from parking on the west and industrially designated parcels on the south side of Sunset Boulevard.

Other projects on the street with similar intensities have been approved within the last two years. The City Planning Commission on March 8, 2007, approved [T][Q]M1-2D (Permanent, Limited Industrial Zone with Development Limitations) zone for development of 685,613 square feet of new studio related and commercial office uses with a floor area ratio (FAR) of 2.2:1, for two office towers with the tallest office building at 278 feet and 20 stories in height, and subterranean parking for 2,528 automobiles at 5800 Sunset Boulevard.

Another project at 5831-5841 Sunset Boulevard, a block on the east side of the subject property was approved by the City Planning Commission on July 13, 2006, with a FAR of 3:1 for the construction of a mixed-use commercial/residential project. The requested Amendment and Zone Change to C2-2D-SN will provide the additional floor area, height, and density needed to develop a high-quality mixed-use project that will revitalize the surrounding area. It allows the development of commercial/retail, high-density residential, office and public park uses of the proposed project, which will enhance the surrounding neighborhood, and create a more vibrant pedestrian-oriented street.

The proposed project will include approximately 324,432 square feet of floor area, which will comprise residential, commercial/retail, and office space. The project incorporates 305 dwelling units, approximately 13,500 square feet of ground floor retail space, consisting of approximately 8,500 square feet of restaurant use and 5,000 square feet of commercial/retail use. A portion of the existing restaurant (Old Spaghetti Factory) will be retained and incorporated into the podium portion of the proposed project and will continue to be used as retail space. The project will include approximately 40,000 square feet of office space, to be subdivided into 20 office condominium units (an average of approximately 2,000 square feet each). The specific use of each of these office condominium units has not yet been specified. The office space will be located within the parking podium of the proposed development and will be accessible from Sunset Boulevard.

The project will provide parking in a podium structure that will have four floors below grade and two floors above grade reaching a height of 27 feet above grade. The project has a stepped-down massing in which the tallest portion of the building at approximately 260 feet will be located adjacent to Sunset Boulevard, and the building will step down towards the more residential, lower-intensity uses along Gordon Street. The proposed development will have three main components: residential tower, parking podium (with commercial/retail and office space) and a public park. The largest massing of the building will be the 23-story residential tower (18 stories of residential dwelling units atop a 5-level podium base), which will be located along Sunset Boulevard, in the current C4-1-SN Zone.

The parking podium will contain all of the proposed project's parking spaces, the commercial/retail space, and the office space. It will be located on current site of the existing restaurant and associated parking, which extends up Gordon Street at a height of 26 feet into the currently-zoned [Q]R4-1VL parcels and abuts the Gordon lots that are proposed to become the public park, open and accessible to the public.

As described above, the mixed use tower is primarily located within the existing commercial portion, although it extends for approximately 36 feet into the R4 zoned portion which is also recommended for a Plan Amendment and zone change.

**4. Zone and Height District Change, L.A.M.C. Sec. 12.32.F:** Pursuant to Section 12.32C7 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The 32,860 square foot lots fronting on Sunset Boulevard, zoned C4-1, and the adjoining two 17,658 square foot lots fronting Gordon Avenue, zoned [Q]R4-1VL and designated Highway Oriented Commercial are recommended for a Zone and Height District Change to C2-2D-SN (Height District 2 with a D limitation of FAR of 5.15:1, and density of the R5 zone at 200 square feet per dwelling unit). The recommended Zone and Height District change from C4-1 and portions of the [Q]R4-1VL zone to C2-2D-SN IS CONSISTENT with the recommended land use designation of Regional Center Commercial, and IS in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.

The recommended zone change to C2-2D-SN will allow a mixed-use “Green” project which will provide the Hollywood community with new housing of the types, sizes, and densities required for the varying needs of all segments of the population, new commercial and office space, and a much needed public park.

- a. The action, as recommended, has been made contingent upon compliance with the “(T)” and “(Q)” conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.
- b. In addition, the recommended zone change to (T)(Q)C2-2D-SN, is within the range of zones allowed by the General Plan Land Use designation of Regional Center Commercial land use with corresponding zones of C4, C2, P, PB, RAS3 and RAS4 and R5. It will also permit a development which supports the General Plan Goals, Objectives and Policies to encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

**5. Zone Change, L.A.M.C. Sec. 12.32.F:** Pursuant to Section 12.32C7 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The applicant has requested a Zone Change to remove the [Q] Condition (Ordinance No. 165,662, effective May 7, 1990) from the [Q]R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2 only) to permit a density of 400 square feet of lot area per unit in lieu of the current restriction of 600 square feet of lot area per unit.

When Ordinance No. 165,662 became effective, the Zoning Code had three categories of density for the R4 zone as follows: 800 square feet of lot area for each dwelling unit having more than four habitable rooms; 600 square feet of lot area for each dwelling unit having four habitable rooms; and 400 square feet of lot area for each dwelling unit having less than four habitable rooms. This was amended by Ordinance No. 174,994 on January 15, 2003, and the R4 zone now has only one category of minimum lot area of 400 square feet for each dwelling unit. All properties within the City that are classified in the R4 zone are at this density. Therefore, the 600 square foot per dwelling unit is inconsistent with the residential density permitted by the Code for the R4 zone.

The subject three 21,578 square foot lots are designated High Medium Residential with a corresponding zone of R4. The lots are not included in the recommended Plan Amendment to Regional Center Commercial or Zone Change to C2-2D. The lots will be developed with a 21,177 square foot park, and a "Q" Condition restricts it for this use. The purpose for this particular zone change request is to remove the [Q] Condition which restricts it to 600 square feet instead of 400 square feet. The applicant had requested a Plan Amendment and Zone Change over the entire site for the construction of 311 dwelling units. Instead, staff recommended that these lots not be included, since they are closest to the residential area, and a C2-2D zone would introduce a greater intensity and density than exists in the adjoining area.

It would set a precedent for adjoining properties to seek similar Plan Amendments and Zone Changes with deep inroads of commercial into stable residential neighborhoods. There is also the concern that there is no guarantee that the subject project would be built as designed, and another project could utilize the development rights which may not be as sensitive as the subject project. Therefore, it is recommended that this is one of the few instances where a Variance, which is project specific be utilized for density and FAR transfer than a Plan Amendment and Zone Change which are permanent. Since the intent is not to restrict the intensity or density of the subject project, both a Variance and the subject Zone Change are necessary. The existing restriction on these lots would allow 35 units. At 400 square foot per unit, 53 units would be allowed. The higher density is required for the calculation of the project density. Even with the removal of the [Q] condition, the project density results in 305 units or 6 units less than the original proposal. The removal of the [Q] condition would not affect the design of the subject property or adversely impact the adjoining residential properties.

Therefore, the subject property is recommended for a density of 400 square foot per dwelling unit which rectifies the existing incompatibility between the permitted residential density in the LAMC and the [Q] limitation.

- a. The action, as recommended, has been made contingent upon compliance with the "(T)" and "(Q)" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.
- c. In addition, the recommended zone change to (T)(Q)R4-1VL, is within the range of zones allowed by the General Plan Land Use designation of High Medium Residential with a corresponding zone of R4. It will also permit a development which supports the General Plan Goals, Objectives and Policies to encourage new multi-family residential in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

## 6. **Conditional Use Findings.**

The applicant has requested per LAMC Section 12.24.W.1, a **Conditional Use** Permit to allow a **Plan Approval** to permit the continued sale of alcohol for on-site consumption.

1. *The proposed project will be proper in relation to adjacent uses of the development of the community.*

The location of the proposed project is proper in relation to the adjacent uses and the development of the community because the project site is a dense urban environment characterized by restaurants, shops, industrially-zoned sites and high-density residential and commercial uses. The project will provide a mix of residential, office and commercial uses primarily designed to accommodate professionals and community members interested in living in an urban setting. The project will blend with the existing surrounding uses and the Conditional Use for the sale of alcohol sought herein will allow a full range of dining options to local residents and visitors. The project will provide a mixed-use development that will contribute to and be consistent with the mix of uses where people can live, dine and shop within a pedestrian-friendly environment. The applicant is required to comply with all conditions required of it in order to manage alcohol sales and consumption for the greater benefit of the community. There are other establishments that sell alcoholic beverages in the vicinity.

Within a 1,000 foot radius of the project site there are a number of additional bars, restaurants and pharmacies on Sunset Boulevard, including two Denny's Restaurants at 5757 W. Sunset Boulevard and 6100 W. Sunset Boulevard, the Hollywood Studio Bar & Grill at 6124 W. Sunset Boulevard, and the Rite Aid Pharmacy at 6130 W. Sunset Boulevard.

The proposed restaurant site is near existing high-rise office towers, including the House of Blues building, which houses the Hollywood offices of the Community Redevelopment Agency (CRA).

The site is also near other recently approved developments including, some of which will include alcohol-serving uses, such as

"W" Hotel project (Case No. CPC-2005-4358-ZC-ZAA),

The Metropolitan Hotel, located one block from the project site (Case Nos. CPC-2005-7325-GPA-VZC-CU-ZV-SPR and CPC-2005-7334-GPA-VZC-CU-SPR), and

Tribune Site, located across Sunset Boulevard from the project site (Case No. CPC-2005-8984-ZC-HD-DA).

Thus, given the commercial nature of Sunset Boulevard, the fact that the project site included an existing restaurant (Old Spaghetti Factory) for more than 30 years, and the fact that there are a limited number of "sensitive uses" in the immediate area, the proposed restaurant (including alcohol service to patrons) is proper in relation to the adjacent uses in the community.

2. *The location of the project is desirable to the public convenience and welfare*

The location of the proposed project is desirable to the public convenience and welfare because it is located on a major commercial corridor. Serving of alcohol is a customary and incidental use for this type of establishment. The location of the restaurant is proposed to be in the ground floor of the proposed high rise mixed use project (Sunset & Gordon mixed use development). The location of the alcohol serving use, at the intersection of Sunset Boulevard and Gordon Street, is desirable to the public convenience and welfare for the following reasons:

The proposed restaurant will replace an existing restaurant (Old Spaghetti Factory) which has existed at this site for decades and which has sold alcohol for on-site consumption. The restaurant will be incorporated into a new high-rise building and separated from nearby multi-family residential uses by distance and physical development.

The restaurant will be located on Sunset Boulevard and will be surrounded primarily by commercial and retail uses along Sunset Boulevard. The nearby residential uses and zones are located north, along Gordon Street, several hundred feet away from the proposed continued use.

Within the mixed use building, the restaurant use of the proposed project will be located on the ground floor of the development, while the residential portion of the project will be located in a residential tower, beginning on the fifth floor. Thus there should be no conflict between the restaurant use and the residential uses within the Sunset & Gordon project.

The proposed restaurant use will also positively benefit the City of Los Angeles through generation of additional sales tax revenue, business license and other fees, and by providing employment opportunities to area residents.

3. *The project will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.*

The proposed restaurant with on-site consumption of alcohol will replace an existing restaurant that sells alcohol for on-site consumption. The previous permit was granted with findings and conditions ensuring that the approved use was not detrimental to the character of development in the immediate neighborhood. The Applicant wishes to continue this use in the new proposed restaurant.

The existing restaurant will be incorporated into a new high-rise building and separated from nearby residential uses by distance and physical development. The restaurant use of the proposed project will be located on the ground floor of the development, while the residential portion of the project will be located in a residential tower, beginning on the fifth floor. The restaurant will be located on Sunset Boulevard and will be surrounded primarily by commercial uses along Sunset Boulevard. The nearby residential uses and zones are located north, along Gordon Street, away from the proposed continued use. Through 30 years of operation, there has been no record to date of any spillover effect of an adverse nature occurring as a result of the operation of the subject restaurant.

The granting of the Conditional Use Permit will not be detrimental to the character of development in the immediate neighborhood and is in conformance with the intent and purpose of the General Plan. It is in harmony with the Hollywood Community Plan, the Housing Element, and the Transportation Element of the General Plan, all of which aim to promote mixed-use high-density developments close to public transit hubs.

The proposed project will provide parking for the new restaurant within the parking structure, instead of surface parking. From a land use perspective, it is better to have structured parking, as it reduces the noise and potential for loitering from surface parking lots, and it provides for a more pleasant pedestrian environment.

The proposed development is consistent with the following goals and objectives of the Housing Element and the Transportation Element:

From the Transportation Element:

Objective 3: Support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.

Sunset Boulevard is designated as a Scenic Major Highway in the Hollywood Community Plan. The zoning along Sunset Boulevard in the Hollywood Community Plan comprises varying Commercial Zones, which permit mixed-use development by right.

(From page 3 of the Land Use-Transportation Policy, Appendix F of the Transportation Element): The Policy should not be rigidly applied but must allow for flexibility in achieving its goals for future development around transit station areas.

Among the objectives of the Land Use-Transportation Policy are to:

- Focus future growth of the City around transit stations.
- Increase land use intensity in transit areas, where appropriate.
- Create a pedestrian-oriented environment in context of an enhanced urban environment.
- Accommodate mixed commercial/residential use development.
- Provide for places of employment.
- Provide a wide variety of housing for a substantial portion of the projected citywide population.
- Reduce reliance on the automobile.

Through the provision of 305 for-sale residential units affordable at varying levels of income, office space, ground-floor retail/commercial space, and the creation of a new public park, the proposed project meets these stated goals of the Transportation Element of the General Plan.

From the Housing Element:

- Policy 2.3.1: Encourage and plan for high-intensity residential and commercial development in centers, districts, and along transit corridors, as designated in the Community Plans and the Transportation Element of the General Plan, and provide for the spatial distribution of development, that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled in order to mitigate traffic congestion, air pollution, and urban sprawl.

The proposed project is a high-density residential and commercial development located within three-fourths of a mile from a Red Line Metro station, along the Metro Rapid Bus line, and close to numerous other local bus routes. The Transportation Element of the General Plan designates the project site area as an Urban Complex, which shares many characteristics with Major Urban Centers, such as downtown LA. The combination of the high-density character of the proposed development and the proximity to local and rapid public transit routes will facilitate a reduction of vehicle trips and vehicle miles traveled and will help to mitigate traffic congestion, air pollution, and urban sprawl.

The proposed project is also consistent with the following policies of the Hollywood Community Plan:

Objective 1 To further the development of Hollywood as a major center of population, employment, retail services, and entertainment...

With 305 for-sale residential units, office space, ground floor retail space, and a public park, the proposed project will enhance Hollywood's growing reputation as a major

center of population, employment, retail services, and entertainment. The proposed development is a large-scale project that is only possible in areas that have the infrastructure to support this type of development.

Objective 2 To designate lands at appropriate locations for the various private uses and public facilities in the quantities and at densities required to accommodate population and activities projected to the year 2010.

The proposed development incorporates a public park – a new public facility to help the region accommodate population and activities projected to the year 2010.

Objective 3 To make provision for the preservation and enhancement of the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.

The proposed development will allocate approximately 20% of its for-sale residential units as affordable at workforce housing levels. Therefore, it will add housing opportunities at both market-rate and workforce housing levels, thereby meeting the needs and desires of a variety of economic segments of the Hollywood community and maximizing the opportunity for individual choice.

Objective 5 ...To encourage open space and parks in both local neighborhoods and in high density areas.

The proposed development includes the creation of a new public park accessible to the public.

Therefore, granting the requested Conditional Use Permit will not adversely impact any aspect of the General Plan and, instead, meets some of the goals, objectives, and policies for development that are specified in various elements of the General Plan, including the Transportation Element, the Housing Element, and the Hollywood Community Plan.

4. *The proposed use will not adversely affect the economic welfare of the community.*

The proposed restaurant with on-site consumption of alcohol will replace an existing restaurant that sells alcohol for on-site consumption. The proposed continued sale of alcohol for on-site consumption will positively affect the economic welfare of the community by allowing an existing restaurant use to continue to be located on the project site. The current restaurant has been in continuous operation since 1977, which shows that there is sufficient demand for a restaurant at this location. In addition, the creation of new office space on the project site will increase demand for a restaurant use for the employees and residents of the new commercial, retail, and residential uses on the project site. The proposed continued use will also positively benefit the City through generation of additional sales tax revenue, business license and other fees, and by providing employment opportunities to area residents.

5. *The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages in the area of the City involved.*

Granting of the requested Conditional Use Permit will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic

beverages in the area of the City involved. According to Census Tract 1910 there are currently 14 on-site and one off-site licenses in the Tract with only 10 being utilized. The allowed concentration of alcohol licenses are regulated by census tracts (i.e., how many people live within the census the tract). This method of determining alcohol license concentration fails to account for neighborhoods such as Hollywood that are City-wide destinations. City-wide destinations serve more people than those that live in the census tract. People come to Hollywood for the purpose of entertainment, shopping and dining.

6. *The proposed use will not detrimentally affect nearby residentially zoned property or other sensitive uses such as hospitals, schools, churches or public playgrounds.*

The uses proposed on the project site, including the Conditional Use Permit requested herein, will not detrimentally affect nearby residentially-zoned property or other surrounding sensitive uses. There are some "sensitive uses" within a 600 foot radius of the subject site, including 22 single family homes, 83 apartment units, 2 hotels, and one school (Le Conte Junior High School). There are no churches, hospitals or recreational areas within a 600 foot radius of the subject site. However, development of this underutilized site will provide additional needed housing as well as needed services such as retail, office and restaurant uses.

The existing restaurant will be incorporated into a new high-rise building and separated from nearby residential uses by distance and physical development. The restaurant use of the proposed project will be located on the ground floor of the development, while the residential portion of the project will be located in a residential tower, beginning on the fifth floor. The restaurant will be located on Sunset Boulevard and will be surrounded primarily by commercial uses along Sunset Boulevard. The nearby residential uses and zones are located north, along Gordon Street, away from the proposed continued use. Through 30 years of operation, there has been no record to date of any spillover effect of an adverse nature occurring as a result of the operation of the subject restaurant.

7. **Per LAMC Section 12.24.W.19, the applicant has requested a Conditional Use Permit to permit floor area averaging across the entire site.**

1. *The location of the project is desirable to the public convenience and welfare.*

The project is located on a split-zoned site at the northeast corner of Sunset Boulevard and Gordon Street, which is being recommended for Regional Center Commercial and a zone change to C2-2D-SN and (T)(Q)R4-1VL concurrently under this planning case. The Sunset & Gordon site is located in a highly developed area of the Hollywood community, only a few blocks from other high density mixed use projects, such as Sunset & Vine, in proximity to public transit, and near other proposed developments of similar scale – the W Hotel project (Case No. CPC-2005-4358-ZC-ZAA), the Metropolitan Hotel, located one block from the project site (Case Nos. CPC-2005-7325-GPA-VZC-CU-ZV-SPR and CPC-2005-7334-GPA-VZC-CU-SPR), and the Tribune Site, located across Sunset Boulevard from the project site (Case No. CPC-2005-8984-ZC-HD-DA). The project site is also near existing high-rise office towers, including the House of Blues building, which houses the Hollywood offices of the Community Redevelopment Agency (CRA).

The proposed unified development of the site includes a high rise mixed use building (with residential, office and retail uses) on the C-zoned Sunset Lots and a subterranean parking structure and grade-level public park on portions of C and R zoned Gordon Lots, with functional and aesthetic ties between the two elements of the development. The

location lies within the Redevelopment Plan area and includes the existing Old Spaghetti Restaurant (OSF) restaurant building on the site. As conditioned by the CRA, the proposed unified development of the property will retain portions of the existing OSF restaurant building, restoring its façade and some interior portions as a project amenity, thus preserving an important social history for members of the community and the Hollywood neighborhood, as well as providing office space and additional ground floor retail space that will be incorporated into the parking podium for the proposed project.

The project proposes consolidating the residential density and floor area from the entire site into one mixed use unified development that will permit efficiencies of scale for the development of the project and increased utility in terms of parking, amenities, open space, circulation, utilities, energy conservation and design. Given the high density character of the project site's planning and zoning, the consolidation of the project's above-ground development on the lots fronting on Sunset Boulevard, and its location near similar mixed use projects, where public transit is available, the project's location is desirable to the public convenience and welfare.

2. *The proposed project will be proper in relation to adjacent uses of the development of the community.*

The project site includes R and C zoned parcels. With the recommended approval of the requested Plan amendment and the zone and height district changes and other zoning approvals in this planning case, the density and FAR allowed on the C-zoned lots, which comprise the largest dimensioned area of the "L" shaped site, would allow the development of a typical mixed use podium base and high rise residential tower, which from a site planning perspective makes more sense in terms of achieving functional efficiencies in terms of access, circulation, utilities, services and energy consumption than having multiple structures built on the site to accommodate the allowed density and floor area. As a unified development, the density and floor area from the entire project site would be averaged and consolidated onto the C2-zoned lots along the Sunset Boulevard frontage in a high rise mixed use building that will incorporate portions of the existing OSF building into the design, and thereby, allow the project site's three R4-zoned lots along Gordon Street to be developed with a street-level public park.

Although, the immediately surrounding properties may have slightly less dense development than the proposed project, the project will not be out of scale with existing and proposed development in the surrounding community. The scale, massing, and location of the buildings on the site respond to the unique shape of the site, the site's split zoning and the urban context. The structure has been designed so that the tallest portion of the building will step down towards the more residential, lower-intensity uses along Gordon Street. The 23-story residential tower (18-stories of residential atop a 5-level podium base) will be located along Sunset Boulevard with the parking podium located on the current site of the vacant OSF building and associated surface parking lot. The podium, responding in scale to the residential community along Gordon Street, will taper down to two levels as it extends to the Gordon parcels with a street level public park. The proposed park will be located at grade level and accessible to the public. Consolidating the project's design and creating a higher quality architectural form within a balanced building mass over the most suitable area of the site, balanced with an extensive open space area (a public park) on the least suitable area of the site, is preferable to having the mixed use project developed in multiple buildings spread out over the entire site. The proposed project will provide public amenities such as neighborhood oriented commercial and a public park, as well as a mix of uses that contributes positively towards the City's goal of balancing jobs and housing, including work force housing units.

The additional residential density that would be allowed on the C-zoned lots under density averaging amounts to approximately 17% of the overall project's density and an approximately 21% increase in the density allowed on the C-zoned lots without averaging. Similarly, the additional floor area that would be allowed on the C-zoned lots under floor area ratio averaging amounts to less than 20% of the overall project's floor area and represents an approximately 24% increase in the floor area allowed on the C-zoned lots without averaging. As designed, the project offers a public park, retail, office and residential uses which could not be developed on the site without such averaging. In addition, the project will integrate sustainable strategies, as qualified through Leadership in Energy and Environmental Design (LEED) under the U.S. Green Building Council, and seeks LEED® Gold certification as the first LEED Gold building in Hollywood. In order for the project to become LEED certified, it must meet the requisite LEED standards for building orientation, increased open space and increased landscaping areas.

The recently approved "Claret project" (also known as "Blvd 6200"), located on both sides of Hollywood Boulevard at Argyle Avenue several blocks west of the Sunset and Gordon project site on a split-zoned parcel, faced similar zoning conditions and was recently approved based on the project's unified development characteristics (Case No. CPC 2006-7301-ZC-ZV-YV-SPR, Council File 07-1381). Thus, based on the above, approving the requested Conditional Use Permit for the Sunset and Gordon project will be proper in relation to adjacent uses of the development of the community.

3. *The project will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.*

In addition to the foregoing, given some of the public benefits that the proposed project includes and the fact that the project will be conditioned to include the mitigation measures identified in the Final Environmental Impact Report and Mitigation Monitoring and Reporting Program, the granting of the Conditional Use Permit will result in a project that will not be detrimental to the character of development in the immediate neighborhood and is in conformance with the intent and purpose of the General Plan. It is in harmony with the Hollywood Community Plan, the Housing Element, and the Transportation Element of the General Plan, all of which aim to promote mixed-use high-density developments close to public transit hubs.

The proposed development is consistent with the following goals and objectives of the Housing Element and the Transportation Element:  
From the Transportation Element:

**Objective 3:** *Support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.*

Sunset Boulevard is designated as a Scenic Major Highway in the Hollywood Community Plan. The zoning along Sunset Boulevard in the Hollywood Community Plan comprises varying Commercial Zones, which permit mixed-use development by right.

**(From page 3 of the Land Use-Transportation Policy, Appendix F of the Transportation Element):** *The Policy should not be rigidly applied but must allow for flexibility in achieving its goals for future development around transit station areas.*

*Among the objectives of the Land Use-Transportation Policy are to:*

- *Focus future growth of the City around transit stations.*
- *Increase land use intensity in transit areas, where appropriate.*
- *Create a pedestrian-oriented environment in context of an enhanced urban environment.*
- *Accommodate mixed commercial/residential use development.*
- *Provide for places of employment.*
- *Provide a wide variety of housing for a substantial portion of the projected citywide population.*
- *Reduce reliance on the automobile.*

Through the provision of 305 for-sale residential units affordable at varying levels of income, creative office space, ground-floor retail/commercial space, and the creation of a new public park, the proposed project meets these stated goals of the Transportation Element of the General Plan.

From the Housing Element:

- ***Policy 2.3.1:*** *Encourage and plan for high-intensity residential and commercial development in centers, districts, and along transit corridors, as designated in the Community Plans and the Transportation Element of the General Plan, and provide for the spatial distribution of development, that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled in order to mitigate traffic congestion, air pollution, and urban sprawl.*

The proposed project is a high-density residential and commercial development located within one-quarter mile from a Red Line Metro station, along the Metro Rapid Bus line, and close to numerous other local bus routes. The Transportation Element of the General Plan designates the project site area as an Urban Complex, which shares many characteristics with Major Urban Centers, such as downtown LA. The combination of the high-density character of the proposed development and the proximity to local and rapid public transit routes will facilitate a reduction of vehicle trips and vehicle miles traveled and will help to mitigate traffic congestion, air pollution, and urban sprawl.

The proposed project is also consistent with the following policies of the Hollywood Community Plan:

***Objective 1*** *To further the development of Hollywood as a major center of population, employment, retail services, and entertainment...*

With 305 for-sale residential units, office space, ground floor retail space, and a public park, the proposed project will enhance Hollywood's growing reputation as a major center of population, employment, retail services, and entertainment. The proposed development is a large-scale project that is only possible in areas that have the infrastructure to support this type of development.

***Objective 2*** *To designate lands at appropriate locations for the various private uses and public facilities in the quantities and at densities required to accommodate population and activities projected to the year 2010.*

The proposed development incorporates a public park – a new public facility to help the region accommodate population and activities projected to the year 2010.

***Objective 3*** *To make provision the preservation and enhancement of the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.*

The proposed development will allocate approximately 20% of its for-sale residential units as affordable at workforce housing levels. Therefore, it will add housing opportunities at both market-rate and workforce housing levels, thereby meeting the

needs and desires of a variety of economic segments of the Hollywood community and maximizing the opportunity for individual choice.

**Objective 5** ...*To encourage open space and parks in both local neighborhoods and in high density areas.*

The proposed development includes the creation of a new public park located in proximity to existing for-sale and rental housing in a medium-to-high density residential neighborhood.

Therefore, granting the requested Conditional Use Permit will not adversely impact any aspect of the General Plan and, instead, meets the goals, objectives, and policies for development that are specified in various elements of the General Plan, including the Transportation Element, the Housing Element, and the Hollywood Community Plan. The proposed development will not in any way be detrimental to the character of development in the immediate neighborhood

#### **ADDITIONAL INFORMATION / FINDINGS CONDITIONAL USE APPROVAL FOR FLOOR AREA AVERAGING**

1. The project, although located on separate parcels or lots of record, is a unified development as defined by this section (LAMC Section 12.24.W.19). The proposed project satisfies all criteria of a unified development as defined in LAMC Section 12.24.W.19, as follows:
  - a. A combination of functional linkages, such as pedestrian or vehicular connections;
    - The proposed project will have an integrated parking structure developed over the entire site. Four levels of the parking structure will be subterranean and extend onto the R4-zoned portion of the site and on all portions of the C2-zoned portion of the site except for the area where the existing OSF building will be retained. The top of the subterranean parking structure on the R4-zoned lots will be developed as an open space park with pedestrian linkage between the building and the public park. The public park will serve as open space for the residents of the proposed project, as well as a public park for the Hollywood community.
  - b. In conjunction with common architectural and landscape features, which constitute distinctive design elements of the development;
    - As noted above, the parking structure for the project will extend over the entire site. Above ground, on the C2-zoned lots, the parking structure will be designed into the podium base for the mixed use high rise tower that will incorporate portions of the existing OSF building along the Sunset frontage. The proposed open space park will be designed and landscaped in a manner consistent with the balance of the site by the same architects who are designing and landscaping the rest of the proposed project. There will be visual unity between the public park and the adjoining building, including common architectural and landscape features as well as distinctive design elements.
  - c. Is composed of two or more contiguous parcels, or lots of record separated only by a street or alley;
    - The project site includes several contiguous C-zoned lots that are contiguous with three R-zoned lots. A subdivision is also proposed for the project site to merge the existing lots and then re-subdivide the site for condominium purposes. Under the

other zoning approvals being granted for the project in this planning case, a variance is being approved to allow density and floor area ratio averaging over the entire site.

- d. And when the development is viewed from adjoining streets appears to be a consolidated whole.
  - Similar design elements between the aboveground building on the C2-zoned lots and the public park on the R4-zoned lots will visually bring together the development as a consolidated whole, and it will be viewed as such from adjoining streets.

## 8. Variance Findings.

Pursuant to LAMC Section 12.27, the applicant requests **Zone Variances** from the following:

- a. Section 12.21.A.4 of the Municipal Code to permit a residential parking ratio of 1.28 parking spaces per unit in lieu of the following requirement: one parking space for each unit of less than three habitable rooms, 1.5 parking spaces for each dwelling unit of three habitable rooms, and two parking spaces for each dwelling unit of more than three habitable rooms;
- b. Section 12.21.A.5 of the Municipal Code to permit reduced clear space at structural elements from 10 inches to 0 inches, and providing 67% one compact stall in lieu of the one required standard parking stall per residential dwelling unit;
- c. Section 12.11.A, 12.14.C, and 12.21.1.A, to permit floor area and density averaging across a unified development site to include property that is not currently located in a C or M Zone, specifically to include property presently located in the [Q]R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2);
- d. Section 12.21.G to allow reduced open space to provide approximately 96 square feet for every dwelling unit, in lieu of the following requirement: 100 square feet for each unit having less than three habitable rooms, 125 square feet for each unit having three habitable rooms, and 175 square feet for each unit having more than three habitable rooms;
- e. Section 12.11 and Sections 12.21.C.1(i) and Section 12.21.C.1(j) to permit the proposed public park to be sold as a separate condominium unit and to be constructed, operated, maintained and located above the Parking Building in the [Q] R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2);
- f. Section 12.11 to permit a Parking Building and underground parking to be constructed, operated and maintained in the [Q] R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2);
- g. Section 12.21C.5(h) to permit the Parking Building and Public Park to be maintained as accessory uses in relation to the primary uses (mixed use building) in the adjacent commercial zone, and to allow

pedestrian and vehicular access and circulation between the residential and commercial zoned parcels and vice versa.

- h. Sections 12.11.C, 12.14. C, 12.21.1.A.2 and 12.37.G to permit the lot area used in calculating residential density and floor area on the proposed R4 and C2 zoned portions of the property to include the area required for street dedications of one foot along Gordon Street and two feet along Sunset Boulevard, which would result in a total density of 305 units in lieu of 302 units over the entire site and a total floor area of 324,901 square feet in lieu of 320,805 square feet over the entire site.

**1. *The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.***

a. Reduced Residential Parking Ratio

The applicant is requesting a residential parking ratio of 1.30 parking spaces per unit for a total of 398 spaces or only 68.6% of the required parking in lieu of the LAMC requirements of one parking space for each unit of less than three habitable rooms, 1.5 parking spaces for each dwelling unit of three habitable rooms, and two parking spaces for each dwelling unit of more than three habitable rooms for a total of 512 spaces or 1.68 spaces per unit.

The project is already getting a big break from requirements of the LAMC for the commercial/retail/office portion of the project. LAMC would require 185 parking spaces, but because the project is located within a CRA area, where the requirement is for 2 spaces per 1,000 square feet of combined commercial/retail/restaurant/office, the project is providing 107 spaces or only 61% of the required parking.

The applicant is requesting a waiver of 114 or nearly 22% of the required LAMC residential parking spaces. The Code requires 512 spaces. The applicant is providing 398 spaces + 3 spaces for Shared Cars for a total of 401 spaces or 78% of the required spaces. The LAMC allows through a Director's Determination or Zoning Administration request, a 10% reduction in parking requirements, if a commercial or industrial building is located on a lot not more than 1,500 feet distant from the portal of a fixed rail transit station, or bus station or other similar transit facility. Even though the subject request is for residential parking reduction, the building is mixed-use, and the same standard could be applied. However, the closest Metro station to the site at Hollywood and Vine is approximately 3/4<sup>th</sup> of a mile or about 3,960 feet.

The area, however, is in proximity to other Metro Red Line stations of Vermont/Santa Monica and Hollywood/Highland connected via the Hollywood DASH. There are also Metro Rapid bus stops (offering east-west service) and five local bus stops (offering east-west and north-south service). Within a closer distance to the project site (located at Sunset & Vine and Sunset & Western), there is access to two Metro Rapid buses, offering north-south service, and four local buses that offer both north-south and east-west service, including service between downtown Los Angeles and the Pacific Ocean. The Metro Red Line also offers transport to downtown Los Angeles, where passengers can transfer to bus and subway lines and to regional train service at Union Station.

Due to the project location in proximity to major transportation corridors, a 10% decrease in the required parking would result in 51 less spaces for a total required parking of 461

spaces. No further reduction in parking spaces is recommended or justified in an area of parking shortfall.

Instead of the earlier proposal of providing 3 on-site Zipcars, the Applicant is seeking to modify the conditions to dedicate three parking spaces for an equivalent ride-share or rental car service provider or for car/van pool vehicles that may be operated by the commercial tenants of the Project, and that additional parking spaces should be waived based on this. Since the applicant is not providing any certainty of a ride-share mechanism, these spaces can only be considered as regular parking spaces. Adjustments to parking space requirements cannot be made on conjecture.

The general purpose and intent of the zoning regulations are to provide an adequate number of residential parking spaces for new developments. Many of the buildings in the area are older and provide parking in conformance with Code provisions at the time of their construction, which were lower than they are today. Many of the buildings in the area were constructed at a time when the City's parking requirements were less than the current requirements. The subject property is new construction which can easily provide adequate parking without adding to the parking problems in an area where parking is at a premium and desired by the community.

b. Reduced Clear Space and Compact Spaces

LAMC Section 12.21.A.5 (a) (ii) requires the minimum width of every parking stall provided for multi-family dwelling units to be increased by at least 10 inches when the stall adjoins a wall, partition, column, post, or other obstruction that is located less than 14 feet from the access aisle. In addition, LAMC Section 12.21.A.5 (c) requires at least one standard sized parking stall at least 8'-6" wide by 18'-0" long per dwelling unit. The general intent and purpose of these zoning requirements is to provide adequate space for residents' cars to park and maneuver within a parking structure and for people to be able to enter and exit safely from their vehicles.

The applicant has also requested that all of the required parking be compact spaces for the residential units. In lieu of the larger sized parking stalls called for by the City's parking regulations, the project proposes that 81 stalls will be 7'-6" x 15'; 41 stalls to be tandem 9'-0" x 15-18' long; and 142 stalls to be 8'-2" wide, limited to 7'-6" at column locations x 15-18' long. Although the project would provide one compact parking stall in lieu of the required standard parking stall, the actual dimensions of the compact stalls to be provided would be much larger than the City's definition of a compact stall, which is a space 7'-6" in width and 15'-0" in length. Compact stalls with a 7'-6" width would primarily occur where the structural columns of the parking structure are located. Additionally, due to overall site constraints, drive aisles clearances and turning radii, many compact stalls could meet the standard stall width but would be less than 18'-0" in length. Compact stalls are typically not provided at end wall locations; however, where these conditions occur, the access aisle is extended 2'-0" for compact stalls beyond the end parking stall and a 10" minimum is provided where walls or obstructions occur. (No increase in stall width is required other than the 10" increase for obstructions per LAMC 12.21 A 5.)

The LAMC allows parking stalls for dwelling units in excess of one parking stall per dwelling unit to be designed as compact parking stalls to accommodate compact cars. The Code also allows commercial and industrial buildings to have 40% compact stalls. The same amount is recommended for the subject request. Allowing more than 40% compact spaces would create a safety hazard in the parking lot, since the average car is longer than 15 feet and would be protruding into the aisle area, besides creating problems of entering and exiting the vehicles without denting adjoining cars.

c. Floor Area Averaging

The strict application of the foregoing Code sections limits the calculation of floor area and residential density of R4 and C2 zoned lots to the area of such lots in each separate zoning classification and does not allow such floor area or density to be combined or averaged within the C-zoned portion of a unified development site proposed for mixed use development that has both such zoning classifications. The subject property currently has two zoning classifications ([Q]R4-1VL and C4-1-SN) and, with the approval of the zone and height district change in Case No. CPC-2007-515-GPA-ZC-HD-CU-CUB-ZV-ZAA-SPR-SPE-SPP, the subject property will still have two different zone classifications: (1) the four lots with frontage on Sunset Boulevard and Lots 15 and 16 of the Bagnoli Tract No. 2 will be zoned C2-2D-SN (hereinafter referred to as the "Sunset lots" or "C-zoned lots"), and (2) the three lots fronting on Gordon Street, Lots 17 through 19 of the Bagnoli Tract No. 2, will be zoned R4-1VL (hereinafter referred to as the "Gordon Lots" or "R-zoned lots").

The R4-zoned lots have an allowable density of 400 square feet of lot area per unit and a floor area ratio (FAR) of 3:1, which, based on their 21,578 square feet of lot area, would permit the development of 53 residential units and 64,734 square feet of floor area. Under the 1VL Height District Designation, any development of the Gordon Lots is limited to 45 feet in height. The C-zoned lots have an allowable density of 200 square feet of lot area per unit (based on their Regional Commercial land use designation under the Community Plan) and an FAR of 5.15:1, which, based on their 50,518 square feet of lot area, would permit the development of 252 residential units and 260,167 square feet of floor area.

Thus, the total combined density permitted on the subject property is 305 units and the total combined floor area permitted is 324,901 square feet. The development proposed for the property involves the construction of a 324,432 square-foot, mixed-use project including a 23-story building that includes an 18-floor residential tower for 305 dwelling units, along with 40,000 square feet of creative office space and 13,500 square feet of ground floor retail (including 8,500 square feet of restaurant space) located on the Sunset Lots. The project will provide 508 on-site parking spaces in four subterranean levels and two above grade levels and will retain and incorporate portions of the structural/architectural components of the existing Old Spaghetti Factory Building on Sunset. All above-ground residential and commercial development in the project will be located on the Sunset Lots and although the subterranean parking structure will extend onto the R4-zoned lots, atop that structure, at ground level, an approximately 21,177 square-foot public park will be developed.

Because the proposed development of the site includes a high rise mixed use building (with residential, office and retail uses) on the Sunset Lots and a parking structure and public park on the Gordon Lots, with functional and aesthetic ties between the two elements of the development, it thereby satisfies all the characteristics of a unified development under LAMC Section 12.24.W.19: "(a) a combination of functional linkages, such as pedestrian or vehicular connections; (b) in conjunction with common architectural and landscape features, which constitute distinctive design elements of the development; (c) is composed of two or more contiguous parcels, or lots of record separated only by a street or alley; (d) and when the development is viewed from adjoining streets appears to be a consolidated whole." In the case of unified developments, the Municipal Code allows the averaging of floor area ratios for buildings in mixed use developments in the C Zones, even if buildings on each individual parcel or lot would exceed the permitted floor area ratio, provided that the floor area ratio for the unified development, when calculated as a whole, does not exceed the maximum permitted floor area ratio for the height district in which the unified development is located. Thus, the provisions of the Zoning Code recognize the need for floor area averaging for a site that is considered to be a unified development.

A conditional use permit, pursuant to LAMC Section 12.24.W.19, is being approved as part of this planning case for the development of the project on the subject property and includes a determination that the proposed development constitutes a unified development. Under the concurrent zone and height district changes being approved for the property and the other zoning approvals, a total floor area of 324,901 square feet could be developed over the entire site and a total density of 305 dwelling units could be developed over the entire site, but the strict application of the above-referenced Code sections creates a practical difficulty and unnecessary hardship by preventing the total allowed floor area and density from being averaged and combined on the C zoned lots, and prevents the CUP from covering the R zoned lots on the site.

The general purpose and intent of the zoning regulations are to restrict the density and floor area allowed by a property's zone and height district classification to the lots comprising a development site within such classification. When mixed use developments are proposed, particularly on unified development sites composed of multiple lots, the zoning regulations generally allow density and floor area to be averaged and combined on one portion of the site, in one high rise building, typically with ground floor retail, in order to achieve a better and more functionally efficient design than would be possible if development were required to be spread over all of the lots comprising the site. In this case, the split zoning of the site prevents the total allowed density and floor area from being combined and located along the Commercial designated Sunset Boulevard frontage on the C-zoned lots, the largest portion of the site, even though the proposed development meets all characteristics of a unified development on the C-zoned lots and even though the R-zoned lots will have no above ground commercial or residential development and will instead be developed as a public park.

The existence of the R4 zoned lots as part of the project site, and the strict application of the above-referenced zoning regulations, creates a practical difficulty and unnecessary hardship by preventing development of this site as a unified development project and using the standard provisions of the Zoning Code relating to floor area and density averaging for a unified development even when no above ground development will be present on the R4 zoned lots. Requiring separate buildings, different residential densities, parking layouts, and building heights and floor area from the rest of the project would create unnecessary hardships, difficulties and challenges. Shared parking, residential amenities, connections to the balance of the condominium units, and expansive open space and recreation areas would not be able to be provided to the condominium units that would have to be separately developed on the R-zoned lots. The project would be prevented from efficiently providing the tenants of those units with amenities and adequate circulation. Governance of the project by a condominium association would be more difficult by having multiple and disproportionately sized buildings. Granting the requested variance would alleviate the unnecessary hardships and practical difficulties created by strict application of the zoning regulations which are inconsistent with the general purpose and intent of the zoning regulations.

d. Open Space

The Proposed Project would incorporate a total of 30,900 square feet of open space areas, including 2,300 square feet of private open space and 28,600 square feet of common open space. On the ground level the Proposed Project will include 22,350 square feet of open space in two areas: (1) the proposed park on the north side of the site fronting Gordon Street, and (2) an extended sidewalk plaza area along the street frontage of Sunset Boulevard, east of the existing 5939 Sunset Boulevard Building. A third area, located on the roof level of the podium deck (Level 5) would include 6,250 sf of common open space. This rooftop terrace would be attractively designed, landscaped and developed as useable open

space areas that would be privately owned, maintained, and secured by the proposed Project's condominium association. The residential roof terrace would be exclusive to residents and guests only. The approximate ½ acre park will be designed with hardscape and landscape elements for a passive recreational open space. It is intended to be dedicated for public use under an agreement with the Agency and/or Department of Recreation and Parks.

The strict application of the provisions of the zoning ordinance would result in practical difficulties and unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations. The Zoning Code intends to require usable open space that will serve the residents of a multifamily residential development. In addition to providing private open space (balconies) and common open space (podium top amenity deck), the proposed project with the assistance of the CRA is creating a new public park for the residents of the surrounding community. However, even with the creation of a new public park, which spans three entire parcels on Gordon Street, the proposed development cannot meet the open space requirements in the LAMC.

e. Public Park

Section 12.21.C.1(i) of the LAMC specifies that no required yard or open space around an existing building shall be separated in ownership from the portion of the lot upon which the building is located.

The proposed public park will be located on the Gordon Lots in the R4-1VL Zone and generally surrounded by residential uses. The public park comprises part of the open space required for the proposed project, but will be located at grade level and be accessible to the public. As approved by the Board of Commissioners of the Community Redevelopment Agency (CRA) on October 18, 2007, the park will be conveyed to a separate entity (the CRA and L.A. City Department of Recreation and Parks) and will be maintained and operated via an assessment of fees on the commercial and residential owners of the Sunset & Gordon mixed use project.

The Zoning Code specifically permits the location of public parks in the R4 Zone, as long as they are owned and operated by a public agency (such as the Department of Recreation and Parks), or by a philanthropic organization (such as the Audubon Society). In addition, LAMC Sections 12.21.C.1(i) and Section 12.21.C.1(j) prohibit separating the ownership of required open space areas from the ownership of the portion of the lot upon which the building is located. In this case, the proposed park will be open to the public, and will become a separate subdivided lot under the proposed subdivision map for the condominium which would be owned by a public agency (CRA and ultimately the Recreation and Parks Department), but the park will be operated and maintained by a non-profit organization (such as the homeowners association of the Sunset & Gordon mixed use project). The strict application of the zoning regulations would not permit this operational and ownership structure for the proposed park because (1) the non-profit organization is technically a "private agency" and the Zoning Code does not allow a park or playground operated by a private agency to be located in the R4 Zone, and (2) the separation of ownership is not allowed.

The general purpose and intent of these zoning regulations is to ensure that only public parks will be allowed in R4 zones and to ensure that required open space areas will be maintained. In this case, the park will be physically connected to the mixed use building that it serves and maintained by the residential homeowners association (HOA) composed of the condominium owners in that building. Practical difficulties and unnecessary hardships are created by the R4 zoning of the park portion of the unified development site, which requires

public ownership of the park in order for it to be allowed in such zone, but also violates zoning prohibitions against separating the ownership of required open space areas. If the Applicant is required to fully comply with the Zoning Code, the public park would not be permitted to be located on the R4 Zone, and instead would have to be located on the commercially-zoned portion of the project. Due to constraints on the C2 zoned portion of the site, this is not a feasible option, and would result in the elimination of the public park as an element of this project.

As an amenity to the condominium units, the HOA will have a vested interest in maintaining the park. The Applicant and the CRA Board have agreed to terms for transferring the public park as a separate condominium parcel to a public agency and will ensure the public park remains public in perpetuity [as outlined in the CRA Board approved Owner Participation Agreement, dated October 18, 2007 and the City Council action adopted on December 14, 2007].

Granting the variance to allow public ownership of the park combined with private HOA maintenance of the park would fulfill the spirit, intent, and purpose of the zoning ordinance.

f. Parking Building and underground parking to be maintained in the [Q]R4-1VL Zone

The proposed project is a mixed-use unified development consisting of residential, retail, and office uses within a 23-story building on the site's C-zoned lots. All parking will be accommodated within an above-grade parking structure that forms the podium for the tower and within four levels of a subterranean parking structure that extends over the entire project site, except for areas where the Old Spaghetti Factory ("OSF") building will be retained, and including an extension onto the R4-1VL zoned lots below street level. A one half-acre public park is proposed to be developed at street level over the portion of the parking structure on the R4 zoned lots.

LAMC Section 12.11 specifies permitted uses in the R4 Zone and controls their physical placement on a lot. Parking for multi-family uses is allowed by right in an R4 zone and public parking is allowed by conditional use in R zones. Two of the existing [Q]R4-1VL zoned lots on the project site are improved with surface parking lots that serve the existing commercial uses on the Sunset frontage of the site. Under the zone change concurrently being approved for the R4 zoned lots on the site, a residential density of 53 units and their associated parking could be developed on the R4-zoned lots under Section 12.11. Because the split-zoned site is being developed as a unified development with the goal of achieving gold LEED certification by an efficient design that uses energy and space-saving strategies, the R4 permitted residential density is being located within the main mixed-use tower on the site's C-zoned lots which will allow improvement of the site's R4-zoned lots with a portion of the project's proposed subterranean parking structure and an open space public park area on top of that structure. The strict application of the R4 zoning regulations would prohibit the construction and operation of the underground parking structure on the R4-zoned portion of the site unless it served aboveground residential units constructed on the same portion of the site.

The intent of the zoning regulations is to prevent land use conflicts resulting from locating non-residential uses in the R4 zone. In this case, the proposed parking on the R4-zoned lots will serve residential uses that are located within the unified development site which has both C and R zoning consistent with the general purpose and intent of the zoning regulations. The fact that the mixed use project will have some non-residential uses, totaling approximately 16% of the project's floor area, and that the parking for such uses will be included within the parking structure that extends onto the R4 zoned lots, violates the strict application of the zoning regulations. Not allowing the parking structure to utilize the

R4-zoned lots would prevent the unified development from being designed in a fully integrated, cohesive manner. Since the project involves a unified development with subterranean parking levels extending onto the more restrictive R4 zoned lots, strict application of the zone regulations would create inefficiencies and inconveniences to residents and patrons of the project accessing their parked vehicles and moving freely through the various areas of the parking structure (in the R4 zone) and the residential, retail and office uses (in the C2 zone). Although the subterranean parking and ground level park uses are proposed for the R-zoned lots, as a functional and practical matter, the parking structure will be buried and not visible to surrounding properties or to those persons that choose to frequent the park, which would be consistent with the general purpose and intent of the R4 zone regulations.

The parcel in question in the [Q]R4-1VL Zone is currently used as a surface parking lot. The [Q]R4-1VL Zone is a multifamily zone that permits parking uses. Therefore, the proposed parking use conforms to the spirit and intent of the zoning regulations. The intent of the zoning ordinance is to prevent land use conflicts. The proposed parking on the [Q]R4-1VL Zone is part of a proposed unified development. To prohibit parking uses as part of a unified development to be located in the [Q]R4-1VL Zone results in practical difficulties and unnecessary hardships that are inconsistent with the general purposes and intent of the zoning regulations.

g. Accessory building or use located on a more restrictive zone

The proposed project is a mixed-use development consisting of residential, retail, and office uses within a 23-story building on the site's C-zoned lots with an above-grade and below-grade parking structure. A portion of the project's subterranean parking structure, consisting of 4 below-grade levels, is proposed to extend onto the R4-1VL zoned lots which will be topped by a proposed park at street level covering the top of the parking structure in this location. The portion of the parking building located on the R-zoned lots will serve the 305 residential condominium units, restaurant, retail and office uses located on the C-zoned lots. The half-acre park to be developed over the subterranean parking structure on the R-zoned lots will comprise part of the required open space for the proposed mixed use project but will be open to the public.

The presence of the subterranean parking structure on the R-zoned lots constitutes an accessory building and use under the zoning ordinance because it will serve the primary use, the adjoining mixed use development, on the C-zoned lots. In addition, the presence of the park on the R-zoned lots would also be considered an accessory use because it provides the required open space for the same primary use. LAMC Section 12.21.C.5(h) provides that no accessory building or use shall be located on a property in a more restrictive zone than that required for the main building or main use to which it is accessory. Since the R4 zone is more restrictive than the C2 zone, the strict application of this regulation would prevent the proposed construction and use of the parking structure and park on the R-zoned lots.

The general purpose and intent of Section 12.21.C.5(h) is to prevent land use conflicts by co-locating uses of similar intensities on the same or a less restrictive zone. More intense accessory land uses are not allowed on more restrictively zoned parcels in order to avoid higher levels of activity, noise, etc. However, when applied to a mixed use unified development site, such as the subject property, that has both commercial and residential zoning, this regulation prevents the unified development from being designed in a fully integrated, cohesive manner. Since the project involves a unified development with subterranean parking levels extending onto the more restrictive R4 zoned lots, strict application of the zone regulations would create inefficiencies and inconveniences to

residents and patrons of the project accessing their parked vehicles and moving freely through the various areas of the parking structure (in the R4 zone) and the residential, retail and office uses (in the C2 zone). Prohibiting open space and parking uses on the site's more restrictive R-zoned lots would limit the pedestrian and vehicular access between the two zones and would constitute a practical difficulty and unnecessary hardship that is inconsistent with the general purpose and intent of the zoning regulations. Although the subterranean parking and ground level park uses proposed for the R-zoned lots will be accessory to the more intensive uses located on the C-zoned lots, as a functional and practical matter, the parking structure will be buried and not visible to surrounding properties and the park, although providing required open space, will nevertheless be open to the public.

h. Dedicated area to be included in calculating FAR and density

The Applicant is requesting permission to utilize the lot area that will be lost to street dedications when calculating the site density and floor area. Sunset Boulevard is designated as a Major Highway Class II, which is currently dedicated to 100 feet in width and Gordon Street is a Non-continuous Local Street which is currently dedicated to 52 feet in width. The City's Standard Street Dimensions were changed in 1999 to require 104 feet of right-of-way for Class II Major Highways to allow for 12-foot sidewalks instead of 10-foot sidewalks, and a 54-foot wide right-of-way for Non-continuous Local Streets to allow for 9-foot sidewalks. Along Gordon Street, a 1-foot wide strip of land is required to be dedicated for sidewalk widening which will reduce the lot area of the site's R4-1VL zoned lots by approximately 150 square feet. Under the variance being requested, this dedication would not change the density on the R4-1VL lots, which will still remain at one unit per 400 square feet of lot area, but it would add an additional 450 square feet of permitted residential floor area. Along Sunset Boulevard, a 2-foot wide strip of land is required to be dedicated for sidewalk widening which will reduce the lot area of the site's C2-2D-SN zoned lots by approximately 708 square feet. Under the variance being requested, this dedication would slightly increase the permitted density by 3 units from the permitted one unit per 200 square feet of lot area (249 units) to 1 unit per 197.7 square feet of lot area (252 units), and would add an additional 3,646 square feet of permitted floor area.

The above-referenced zoning regulations provide for calculations of density and floor area to be based on the lot area remaining after required street dedications. Residential density is based on a minimum amount of lot area per dwelling unit. "Lot area" is defined in the Code as the "total horizontal area within the lot lines of a lot." The Municipal Code (Section 17.05 C) distinguishes between lot area lost to dedications in conjunction with a subdivision proposed for condominiums and a rental apartment project of a similar size. This section requires the area of street and alley dedications to be deducted from the land area used to calculate a residential project's density if the project is to be developed as condominiums, but the City's zoning regulations would not require the deduction of such land area if the exact same residential project were to be developed as an apartment project. While the permitted density on the R4-zoned lots would not be affected by the required density calculation that excludes the Gordon Street dedication area, three dwelling units would be lost on the C2-zoned lots by excluding the Sunset Blvd. dedication area. In terms of floor area, the definition of "buildable area" in the Municipal Code provides that in computing the height district limitations on total floor area for any residential development or mixed use residential/commercial development in the C2 zone, buildable area shall have the same meaning as lot area. While the permitted floor area on the C2-zoned lots would not be affected by the exclusion of the Sunset Blvd. dedication area under this provision, the permitted floor area available on the R4-zoned lots would be affected by the Gordon Street dedication area.

The strict application of the zoning ordinance to a unified development site which is subject to two different zoning classifications and proposed for development of a high rise residential condominium tower, prevents density and floor area calculations from being based on the total unified development site's lot area. In addition, calculating density for one form of multi-family project different from another form simply on the basis of it being a condominium is inconsistent with the general purposes and intent of the zoning regulations.

The general purposes and intent of the lot area calculation provisions are clear in the context of a new single family subdivision, which will be providing a new street system, but when they are applied to dense, high-rise multi-family residential projects, in an area that has been planned and zoned for higher floor area ratios, greater densities, and vertical development, practical difficulties and unnecessary hardships result. Tall, dense, multi-family residential and mixed use projects are penalized through a significant reduction in density and floor area if they are to be built as condominium units because the area of street dedications must be deducted from the density and floor area calculations. In addition, due to the site's partial R4 zoning, the available floor area from those lots cannot be based on the lot area of those lots. In existing developed areas, the strict application of the zoning ordinance provisions basing allowable density and floor area on post-street dedication lot area would unnecessarily limit the number and size of residential units and neighborhood amenities without gaining the equivalent in benefits. Also, technical requirements that deal with issues such as floor plates in high-rise buildings, can be affected when the available floor area changes.

***2. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.***

a. Reduced Residential Parking Ratio

The project site is located in an urban area that is relatively well-served by transit. At the same time, Hollywood is characterized by older apartment buildings that do not have Code required parking, resulting in a general shortage of parking in the area. Many of these buildings provide more affordable housing than the new buildings and need to be preserved. The subject property is new construction which can easily provide adequate parking without adding to the parking problems in the area. Therefore, no more than 10% reduction in parking is justified. If the entire reduced parking request was granted, it may set a precedent for other new buildings to also not provide the Code required parking.

Parking reduction once granted is irrevocable. Parking spaces cannot be added later. As a mixed-use development, the proposed project has the opportunity to reduce overall parking demand created by the project. This is possible because some residents may work and live in the same building, and residents may patronize the retail/commercial uses in the same building. Therefore, a 10% reduction in parking is justified.

b. Reduced Clear Space and Compact Spaces

All residential parking for the proposed project will be provided in the subterranean garage levels as well as in a podium that also contains the ground floor retail space, including rehabilitated portions of the existing 5939 Sunset Boulevard - Old Spaghetti Factory Building ("OSF") restaurant building on the site, and residential and office lobby entries. These elements constrain the parking area that can be used for parking spaces and constitute a special circumstance applicable to the subject property. The proposed project also conceals the above-ground portion of the parking podium from view through high-end architectural

design that blends the existing OSF restaurant building and the parking podium in with the rest of the building.

As conditioned by the CRA, the proposed unified development of the property will retain portions of the existing OSF restaurant building, restoring its façade and some interior portions as a project amenity, preserving an important social history for members of the community and the Hollywood neighborhood, as well as providing office space and additional ground floor retail space all incorporated into the parking podium. These requirements reduce the above-ground space within the podium that can be allocated to parking spaces. Because the existing OSF structure cannot be removed, there cannot be subterranean parking underneath the entire site, which, therefore, spatially confines the quantity and size of parking spaces that can be accommodated.

The parking podium is further restricted by the location of the public park immediately adjacent to the parking podium. As noted in the other approvals in this planning case, the special circumstances of the project's split zoning and configuration combined with the location of the OSF building, require the location of the proposed public park on the R4-zoned portion of the site. Because the one-half acre park must be accessible at grade to be publicly accessible, the above-ground parking podium cannot occupy the entire footprint of the site leading to an additional spatial constraint.

In addition, this project is also pioneering the integration of sustainable strategies as qualified through Leadership in Energy and Environmental Design (LEED) under the U.S. Green Building Council. The project is seeking LEED® Gold certification and is slated to be the first LEED Gold building in Hollywood. In order for the project to become LEED certified, it must meet the requisite LEED standards for building orientation, increased open space and increased landscaping areas. All of these reduce the available area for parking. Lastly, the project design seeks to improve the pedestrian streetscape by providing wider sidewalks and ground floor retail as well as the aforementioned public park.

As noted in the other findings in this case, the combination of the above factors constitutes special circumstances that are not generally applicable to other property in the same zone and vicinity. Therefore, reduced clear space and 40% compact spaces are recommended for approval.

### c. Floor Area Averaging

The split residential and commercial zoning of the project site creates a special circumstance not applicable to other property or projects in the same zone or area. The two different zones contain a variety of use and development standards that do not match, including unit density and FAR. Development sites along Sunset Boulevard do not have a more restrictive density and floor area requirement on one portion of their site and a less restrictive density and floor area on the remaining portions of the site.

Another special circumstance is the "L" shaped configuration of the development parcel, which is neither square nor rectangular. The largest area of the site is located in the south at the base of the "L" shaped site and comprises the C-zoned lots located along Sunset Boulevard. The narrower part of the site, extending north along Gordon, is comprised of the R-zoned lots, and is more limited in terms of area dimensions and building height pursuant to the 1VL height district.

In many high rise mixed use developments, the residential tower is built above a parking structure which creates a podium for the tower structure. However, due to the requirement

to maintain the existing Old Spaghetti Factory (“OSF”) building on this site, the applicant does not have the option of constructing an underground parking structure beneath the OSF building, or an above ground parking structure that could utilize the land area occupied by the OSF building. This creates a special circumstance which is not applicable to other properties in the same zone and vicinity.

d. Open Space

In addition to creating a new public park, the proposed project is providing common open space on the top of the parking podium and private open space in balconies for individual condominium units. The proposed project is developing on the project site in accordance with the density permitted in the C2-2 Zone (per LAMC Section 12.22.A.18(c)), yet, even with the creation of a new public park, the development does not meet the open space requirements in the Municipal Code. Approximately 71% (21,177 square feet of public park, from 30,000 square feet of total open space provided) of the open space being provided is a new public park, which will provide quality open space for residents of the proposed development as well as the surrounding community. Despite the fact that the proposed project will be unable to meet its open space requirements, it will be increasing the amount of open space available to the surrounding community.

e. Public Park

The project site’s split residential and commercial zoning, its corner lot “L” shaped configuration, and the requirement to maintain the existing OSF building on the site and incorporate it into the project, create special circumstances, particularly with respect to its development as a unified development site, that do not generally apply to other property in the same zone and vicinity. These circumstances do not generally apply to other property in the same zone and vicinity as development sites along Sunset Boulevard which do not have a more restrictive zoning on one portion of their site and less restrictive zoning on the remaining portions of the site. These special circumstances are particularly acute where the proposed project to be developed is a unified development located on property comprised of two different zones. The presence of the existing OSF building on the site and its incorporation into the project prevents the development of an underground parking structure on that portion of the site which in turn requires more of the C-zoned portion of the site to be developed with the parking structure podium needed for the high rise tower and leaves no room on that portion of the site for a one-half acre park. The proposed unified development of the property should not be penalized for making full use of the project site by locating its proposed park and open space use within the R4 zoned portion of the same site.

As noted above, the mixed use tower structure would be constructed on the C4-2D-SN zoned portion of the site and the below-grade parking structure and public park would be developed on the R4-1VL Zone. The R4 zoning triggers the need for public ownership of the proposed park in order for it to be allowed in such zone, but that requirement then violates zoning prohibitions against separating the ownership of required open space areas. Full compliance with the zoning regulations would prevent the public park from being located on the R4 zone and would require it, instead, to be located on the C2 zoned portion of the site, which is not feasible due to building constraints on that area.

f. Parking Building and underground parking to be maintained in the [Q]R4-1VL Zone

The special circumstances applicable to the property relate to its split residential and commercial zoning, its corner lot “L” shaped configuration, and the requirement to maintain the existing OSF building on the site and incorporate it into the project. These circumstances do not generally apply to other property in the same zone and vicinity as

development sites along Sunset Boulevard do not have a more restrictive zoning on one portion of their site and less restrictive zoning on the remaining portions of the site. These special circumstances are particularly acute where the proposed project to be developed is a unified development located on property comprised of two different zones. The presence of the existing OSF building on the site and its incorporation into the project prevents the development of an underground parking structure on that portion of the site.

The proposed project is a unified development that is located on property that comprises two different zones. Because the unified development will appear as one cohesive project regardless of the underlying zoning, the dual-zoned nature of the subject site constitutes a special circumstance that is applicable to the subject property.

The parcel in the [Q]R4-1VL Zone is tied to parcels in the C4-1-SN Zone, making for a single building site, and, if the requested Zone Change is approved, it will be tied to parcels in the C2-2D Zone. This constitutes a special circumstance for the subject property, because the zoning on the project site is prohibiting the subject property to be developed to its highest and best use - as a single, unified development that comprises various elements that will benefit the community, such as for-sale workforce housing, office space, neighborhood-serving retail, and a public park.

g. Accessory building or use located on a more restrictive zone

The special circumstances applicable to the property relate to its split residential and commercial zoning, its corner lot "L" shaped configuration, and the requirement to maintain the existing Old Spaghetti Factory ("OSF") building on the site and incorporate it into the project. These circumstances do not generally apply to other property in the same zone and vicinity as development sites along Sunset Boulevard do not have a more restrictive zoning on one portion of their site and less restrictive zoning on the remaining portions of the site. These special circumstances are particularly acute where the proposed project to be developed is a unified development located on property comprised of two different zones. The presence of the existing OSF building on the site and its incorporation into the project prevents the development of an underground parking structure on that portion of the site. The proposed development of the property should not be penalized for making full use of the project site by locating accessory parking and open space uses within a different more restrictive zone that is part of the same site.

h. Dedicated area to be included in calculating FAR and density

The project site's split residential and commercial zoning, its corner lot "L" shaped configuration, and the requirement to maintain the existing Old Spaghetti Factory ("OSF") building on the site and incorporate it into the project, create special circumstances, particularly with respect to its development as a unified development site, that do not generally apply to other property in the same zone and vicinity. Development sites along Sunset Boulevard do not have a more restrictive density and floor area requirement on one portion of their site and a less restrictive density and floor area on the remaining portions of the site. The presence of the existing OSF building prevents any additional dedication of Gordon Street, near the corner of Sunset, and all the additional dedicated area will be improved as additional sidewalk areas which have no practical relationship to a project's density or floor area.

The general plan amendment of the C2-2D-SN zoned portion of the site from Highway Oriented Commercial to Regional Center Commercial, combined with its designation as part of a Redevelopment Plan area, makes the site similar to other mixed use sites in the downtown area where higher floor area ratios, greater densities, and vertical development

has been planned. A high-density mixed-use project is appropriate at this location because there are jobs, services, and a public transit system in the vicinity.

**3. *The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.***

a. Reduced Residential Parking Ratio

The Hollywood area is a diverse, vibrant and active urban community. Applying suburban parking standards to this area goes against smart urban planning policies and discourages the development of high-quality projects. Therefore, the recommended Variance for 10% reduction in parking is necessary for the preservation and enjoyment of a substantial property right which generally would be granted to other properties in the same zone and vicinity, but which, because of special circumstances and practical difficulties and unnecessary hardships, is denied to the subject site.

Additionally, similar developments in urban areas of Los Angeles that are outside the immediate Hollywood area have also developed and use urban property with less parking than required by the strict application of the Citywide regulations.

b. Reduced Clear Space and Compact Spaces

Given the development's urban location, space is at a premium, and so all space should be used as efficiently and productively as possible. The proposed project occupies property that will be in both the C2-2D-SN and R4-1VL zones but will be developed as a unified development. Other development and improvements in the surrounding area are on parcels that contain only one zone and allow the exercise of a substantial property right enjoyed by others in the area to develop property in the most economical and efficient manner as unified developments. On the subject property, the depth of the water table makes deeper subterranean parking levels difficult and the continued presence of the OSF building along the Sunset frontage of the C-zoned parcels constrains the area for buildings and prevents locating a one-half acre open space park in that area, and the public accessibility requirement for the park on the R4 zoned lots prevents above-ground development of a parking structure. These circumstances impact the ability to provide the additional parking level area that would be required to provide 10-inch clear space near obstructions, in accordance with Code requirements. The unified development of the property should be on par with other developments in urban areas of Los Angeles that face similar urban space constraints.

Granting the variance to allow 40% reduced sized parking stalls would allow the mixed use unified development, which includes residential, office, retail, parking, and open space (park) uses, to function in a cohesive, economical and efficient manner. Other properties in the City have been allowed to develop property with reduced parking. Therefore, the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity which is denied to the subject property by reason of the split zoning and other special circumstances of the property and the practical difficulties and unnecessary hardships created by strict application of the zoning regulations.

### c. Floor Area Averaging

The ability to average and consolidate floor area and density on a unified development site in a single mixed use structure is a property right possessed by other commercially zoned properties in the Hollywood area. The fact that the project site straddles R and C zoned parcels creates a special circumstance not encountered by many properties in the surrounding area. The current C4 zoned area on the site would permit more units in a smaller lot area than the R4 zone area permits, but the C4 zone is restricted to a smaller FAR. Under the current zoning, the strict application of the zoning regulations to this site would result in a project which has more units within a reduced FAR on the C4 zoned lots and less units within a greater FAR on the R4 zoned lots, thus creating a “lopsided” project. These special circumstances and practical difficulties deny the property the substantial property right to develop the property in the most economically efficient manner as a mixed use unified development in one high rise building along the site’s Sunset Boulevard frontage.

With approval of the requested Community Plan amendment and the zone and height district change and other zoning approvals in this planning case, the density and FAR allowed on the C-zoned lots, which comprise the largest dimensioned area of the “L” shaped site, would allow the development of a typical mixed use podium base and high rise residential tower which from a site planning perspective makes more sense in terms of functional efficiencies in terms of access, circulation, utilities, services and energy consumption than having multiple structures built on the site to accommodate the allowed density and floor area. The ability to combine uses, density and floor area in one mixed use structure on the largest portion of the site planned and zoned for more intense development, and incorporate the existing OSF building, would create a well-balanced unified development project. Designing one building that could meet the disparate zoning requirements of the R4-1VL and C2-2D zones would be difficult, if not impossible, and would lead to disproportionate building forms. Alternatively, these circumstances and regulations would combine to require the mixed use project to be developed in multiple buildings spread out over the entire site, thereby defeating the ability to consolidate the design and create a higher quality architectural form within a balanced building mass over the most suitable area of the site balanced with an extensive open space area (a public park) on the least suitable area of the site.

The additional residential density that would be allowed on the C-zoned lots amounts to approximately 17% of the overall project’s density and an approximately 21% increase in the density allowed on the C-zoned lots without averaging. Similarly, the additional floor area that would be allowed on the C-zoned lots amounts to less than 20% of the overall project’s floor area and represents an approximately 24% increase in the floor area allowed on the C-zoned lots without averaging. As designed the project offers a public park, retail, office and residential uses which would not be permitted if the density averaging request was denied.

The recently approved “Claret project” (also known as “Blvd 6200”), located on both sides of Hollywood Boulevard at Argyle Avenue is partially located on a split-zoned lot. This site is located approximately 1,800 feet from the Sunset and Gordon project site.

The northeasterly portion of the Claret project site is zoned [Q]R3-1XL, a multi-family residential zone with a density limit of 1,200 square feet of lot area per unit and a height limit of 30 feet. The remainder of the lots are in the C4-2D-SN and [Q]C4-2D-SN zones, which are general commercial zones, and are very similar in nature to the underlying zone of the Sunset Lots. The applicant in the Claret project requested Variances to construct a six-story mixed use building on the commercial and multi-family residential zones, with the specific intent of constructing a “unified development”. The City Planning Commission, in its action

dated March 9, 2007, approved the construction of buildings with heights of 55 and 75 feet in the R3-1XL zoned portions of the site, in lieu of the 30 foot height limit. The Planning Commission also approved the construction of a Unified Development over the two zones, with “shared parking, amenities and interconnection to the second level pedestrian walkway, open space and recreation areas”. (Case No. CPC 2006-7301-ZC-ZV-YV-SPR). The L.A. City Council, on July 17, 2007, approved the actions taken by the City Planning Commission, with some minor changes (Council File 07-1381), and the City Council actions were approved by the Mayor in Ordinance 179026, which became effective on September 5, 2007.

Thus, approving the requested actions is necessary to preserve a substantial property right or use which is generally possessed by other property in the same zone and vicinity of the Sunset and Gordon project site.

d. Open Space

The LAMC open space requirements are extremely difficult to comply with on properties that are located in dense urban communities, especially on sites that permit residential development at the R5 density (as does the project site). This forces developers either to request a variance to deviate from the standards (as being done with the proposed project), build below the permitted residential density, or build exclusively commercial developments that do not have these open space requirements. This imposes practical difficulties and unnecessary hardships on the project site.

e. Public Park

The proposed project occupies property that will be in both the C2-2D-SN and R4-1VL Zones but will be developed as a unified development. Other development and improvements in the surrounding area are on parcels that contain only one zone and allow the exercise of a substantial property right enjoyed by others in the area to develop property in the most economical and efficient manner as unified developments. On the subject property, the depth of the water table makes deeper subterranean parking levels difficult and the continued presence of the OSF building along the Sunset frontage of the C-zoned parcels constrains the area for buildings and prevents locating a one-half acre open space park in that area.

Providing required open space in the form of a street level park use located atop a subterranean parking structure on the R4-zoned portion of the site would allow the site to be fully utilized and function as a unified development. The R4 zoning regulations allow public parks as a permitted use if owned and maintained by a public agency, but if such a park constitutes required open space for residential development, then other zoning regulations specify that it cannot be separated in ownership from that residential development. However, under the strict application of the zoning regulations, the solution to one zoning requirement would create a violation of another.

The proposed project, as conditioned by the CRA, attempts to strike a balance between the zoning regulations that are in conflict on this unified development site due to the presence of different zones. The proposed open space park would be publicly owned but privately maintained by the project’s HOA, whose residents it will serve. Although the park would be separated in ownership from the mixed use development, in order to achieve its public status, there will, nevertheless, be ownership restrictions placed on the title of the unified development site requiring maintenance of the park by the HOA. By its location atop the subterranean parking structure, the park will be physically connected to the balance of the proposed project and used as open space by its residents, thereby functionally, visually, and

aesthetically becoming part of the unified development, regardless of the underlying ownership structure. The park would be immediately adjacent to the multi-family residential units and the families who reside in those units.

Granting the variance to allow these conditions to control the park on the R4-zoned lots would allow the mixed use unified development, which includes residential, office, retail, parking, and open space (park) uses, to function in a cohesive, economical and efficient manner by allowing the public park to be located and maintained on the residentially-zoned portion of the site, rather than on the commercially-zoned portion. Other properties in the area not burdened by split zoning enjoy the right to develop property in the most economical and efficient manner as unified developments. Restricting the public ownership of the park and its maintenance by the HOA would unduly limit the exercise of this substantial property right possessed by other property in the same zone and vicinity. Therefore, the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity which is denied to the subject property by reason of the split zoning and other special circumstances of the property and the practical difficulties and unnecessary hardships created by strict application of the zoning regulations.

f. Parking Building and underground parking to be maintained in the [Q]R4-1VL Zone

The proposed project occupies property in both the C2-2D-SN and R4-1VL zones but will be developed as a unified development. Other development and improvements in the surrounding area are on parcels that contain only one zone and allow the exercise of the substantial property right enjoyed by others in the area to develop property in the most economical and efficient manner as unified developments. On the subject property, the depth of the water table makes deeper subterranean parking levels difficult and the continued presence of the OSF building along the Sunset frontage prevents location of the parking structure in that area. The prohibition of a subsurface parking use on the R-zoned portion of the site creates unnecessary hardships, difficulties and design challenges. Amenities, circulation, parking, open space, recreation areas and residential services would have to be separated, in different structures, which would lead the property and its development to function inefficiently.

Requiring the project design to abide by internal zone boundary lines in the context of the proposed unified development of the site provides no added protection to the community, but instead, imposes an unnecessary hardship that constrains the project design. The four below-grade parking levels will be concealed from public view and not visible to the community. The public park will be accessible at ground level while also helping to conceal a portion of the parking structure. Once constructed, this project will appear to be one integrated development site similar to other single uniform, area developments. Permitting the parking building to be constructed, operated and maintained in the residentially zoned parcels creates efficiencies of scale and fulfills the spirit, intent and purpose of the zoning ordinance, the strict application of which results in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The proposed development of the property should not be penalized for making full use of the project site by locating a primarily residential parking building that will be a subterranean structure within lots zoned R4-1VL, a zone that permits residential parking as a by-right use.

g. Accessory building or use located on a more restrictive zone

The proposed project occupies property that will be in both the C2-2D-SN and R4-1VL Zones but will be developed as a unified development. Other development and improvements in the surrounding area are on parcels that contain only one zone and allow

the exercise of the substantial property right enjoyed by others in the area to develop property in the most economical and efficient manner as unified developments. On the subject property, the depth of the water table makes deeper subterranean parking levels infeasible and the continued presence of the OSF building along the Sunset frontage prevents location of the parking structure in that area. The prohibition of a subsurface parking use and street level park use on the R-zoned portion of the site creates unnecessary hardships, difficulties and design challenges. Amenities, circulation, parking, open space, recreation areas and residential services would have to be separated, in different structures, which would lead the property and its development to function inefficiently.

Requiring the project design to abide by internal zone boundary lines in the context of the proposed unified development of the site provides no added protection to the community, but instead, imposes an unnecessary hardship that constrains the project design. The four below-grade parking levels will be concealed from public view and not visible to the community. The public park will be accessible at ground level while also helping to conceal a portion of the parking structure. Once constructed, this project will appear to be one integrated development site similar to other single uniform, area developments. Permitting the parking and open space uses to be maintained as accessory uses in relation to the primary residential and commercial uses in the adjacent commercially zoned parcels creates efficiencies of scale and fulfills the spirit, intent and purpose of the zoning ordinance, the strict application of which results in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

h. Dedicated area to be included in calculating FAR and density

The project site is subject to special circumstances, practical difficulties, and unnecessary hardships in that condominium developments are required to use the lot area after street dedications to calculate density, and, based on the site's split zoning, floor area calculations cannot be based on lot area in the R4 zoned portion of the site, resulting in the loss of three dwelling units and 4,096 square feet of floor area, which amounts to more than one percent of the project's density and floor area. The Community Plan amendment, zone and height district changes, and other zoning requests being recommended for approvals in this planning case, allow the consolidation of the unified development site's pre-dedication density and FAR on the site's C-zoned lots, which comprise the largest dimensioned area of the "L" shaped site. If the proposed unified development project were to be built as an apartment building, or if the project site were entirely in a C zone, then pre-dedicated lot area could be used to calculate density and floor area. These special circumstances and practical difficulties deny the property the substantial property right to develop the property per the full density and floor area allowed on the site in the most economically efficient manner as a mixed use unified development in one high rise building along the site's Sunset Boulevard frontage.

A variance from the calculation of the density and floor area to include the area of street dedication is necessary for the preservation and enjoyment of a substantial property right generally possessed by other property in the vicinity. Other properties in the area that do not have split zoning and can be developed residentially or as mixed use projects and utilize the full density and floor area permitted. The proposed project will provide more homeownership opportunities in Hollywood, unlike an apartment building. Instead, condominium project should be encouraged because the City of Los Angeles trails other parts of the country in homeownership rates and opportunities.

The standards for development are typically written on a City-wide basis. Exceptions have been made for individual projects in other Regional Center designated areas, but it has only

been since the recent adoption of the Downtown Housing Ordinances that high density urban living is actively being promoted. These standards, unfortunately, only apply to Downtown, not to Hollywood, and therefore not to the proposed project. Sunset & Gordon, while being in a Regional Center highly developed area only a few blocks from other high density mixed use projects such as Sunset & Vine, is subject to development standards more appropriate in a suburban setting. With the increasing urbanization of Los Angeles, and the Hollywood area is no exception as is apparent with the recent approval of the "Claret" project, allowing the street dedication area to count as buildable area is consistent with a denser project and therefore a more urban way of life.

Currently, there is a greater incentive to build apartments in the City than there is to build for-sale condominiums because the Code does not require apartment projects to exclude dedicated lot area from its buildable area. However this does not improve Los Angeles' low homeownership rate, which is more than 36% percent lower than the national average of 66%. Unfortunately, this issue of not allowing dedications to be counted as buildable area for subdivision projects, even when the for-sale residential units contain some type of affordability component, has not been equitably dealt with. Therefore, based on the above, the Variance is necessary for the preservation and enjoyment of a use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.

***4. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.***

a. Reduced Residential Parking Ratio

The granting of the Variance will not be detrimental to the public welfare or injurious to the property or improvements in the same zone and vicinity because the 10% reduction in parking spaces at an average parking ratio of 1.51 spaces per dwelling unit is more than adequate to accommodate the anticipated parking demand and, therefore, will prevent impacting the surrounding streets and properties with spillover parking.

The proposed development is located in a relatively transit-rich area of Los Angeles. One of the primary advantages to locating a mixed-use development in such an area is to reduce traffic congestion and the need for additional parking spaces. The commercial/retail component of the project is also envisioned as a neighborhood-serving retail use, serving patrons from the surrounding community within walking distance, as well as residents who live in the building. The end result of all these factors is a reduction in the overall parking demand for the proposed project. Therefore, the granting of the Variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone and vicinity in which the property is located.

b. Reduced Clear Space and Compact Spaces

The granting of the Variance to permit reduced parking stall width at structural elements and to provide 40% compact parking stalls will not be detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity because compact cars and trucks can fit into the proposed parking stalls.

The overall 7'-6" minimum compact stall width occurs primarily at the portion where the structural columns are located, otherwise the normally proposed compact stall width is 8'-2". It should be noted that this is only 6" less than the standard parking stall width of 8'-8". Most

of the compact spaces provided are proposed either 9' x 15' (2<sup>nd</sup> tandem stall) or 8'-2" x 15' to 18'. The problem, however, is with the length, where an average sized car is more than 15 feet in length. The granting of the variance to allow reduced clear space and 40% compact parking stalls will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

c. Floor Area Averaging

Granting the variance to permit density and floor area averaging to include property currently in the [Q]R4-1VL zone and the concurrently approved R4-1VL zone and to allow the density and floor area permitted on the R-zoned lots be included in one high rise structure on the C-zoned lots (under the various zoning approvals granted in this planning case) will allow the surface area of the R-zoned lots to appear, for all intents and purposes, as undeveloped parcels instead of being developed with a separate 3-story 53-unit residential condominium building. Instead, a nearly one-half acre public park will be provided on that portion of the site, which creates a substantial buffer between the mixed use building and nearby multi-family residential buildings, would not be detrimental or injurious to properties and improvements in the vicinity but will actually be of considerable public benefit to such properties and improvements.

The floor area and density from 29% of the unified development site would be used to provide approximately 19% of the project's floor area and approximately 17% of the project's density on the C-zoned lots following approval of the concurrent zone and height district changes. Consolidating the additional density and floor area in one mixed use unified development will permit efficiencies of scale to the project and increased utility in terms of parking, amenities, open space, circulation, utilities, energy conservation and design. Permitting density and floor area averaging will increase the proposed project's floor area, providing approximately 40,000 square feet of office floor area, more residential units affordable at workforce housing levels, and a public park. Given the large number of public benefits that the proposed project includes and the fact that the project will be conditioned to include the mitigation measures identified in the Final Environmental Impact Report and Mitigation Monitoring and Reporting Program, the granting of the Variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

d. Open Space

The reduction in required open space will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located. The proposed development includes a new public park available to the public. This will benefit the residents and property values in the surrounding community.

e. Public Park

The Applicant is proposing a public park which would be accessible to neighborhood residents as well as to the owners and occupants of the Sunset & Gordon Mixed Use Project. The public park site, on Gordon Street, is in an area which is characterized by older apartment buildings with limited open space areas, and there are no other public parks in the immediate area. Thus, this public park will provide a valuable community benefit, one which would not be available if the R4 zoned lots on the property are not permitted to be utilized as a public park.

Given the several public benefits that the proposed project includes and the fact that the project will be conditioned to include the mitigation measures identified in the Final

Environmental Impact Report and Mitigation Monitoring and Reporting Program, the granting of the variance to locate the public park on the R4 Zone and to convey the public park to a public agency as a separate parcel from the balance of the proposed development and allow its maintenance by the HOA will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located. The public park will provide significant benefits to the public and provide a significant neighborhood amenity under its proposed ownership and maintenance structure.

f. Parking Building and underground parking to be maintained in the [Q]R4-1VL Zone

Granting the variance to locate parking on the R4-1VL Zone will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone and vicinity in which the property is located for several reasons. First, some of the site's existing [Q]R4-1VL zoned lots have been used for many years as surface parking lots serving the commercial uses along Sunset Boulevard. Second, the subterranean parking structure to extend into the R4 zoned lots will permit development of the aboveground portion of those lots with a non-structural use, specifically, an open space park open to the public. Consequently, the proposed project will, in fact, aesthetically contribute much more positively to the urban street scene than surface parking because the parking spaces located within the four below-grade parking levels will be concealed from public view and not visible to the surrounding community.

Third, the subsurface portion of the parking structure reduces the height, size, bulk and mass of the aboveground portion of the parking structure on the adjacent property. The site design intentionally steps the building height down as the land uses become less intense and reduces the height of the podium closest to the R-zoned lots. If the parking structure is not allowed to extend into the R4-1VL zone, then the parking podium for the proposed project would have to be taller, which would make the overall project taller. Currently the project is designed to have four parking levels below grade. Locating parking below grade is very expensive and can be difficult to do (depending on soil conditions), so the project also has two parking levels located above grade on the immediately adjoining portion of the site. If the R4-zoned parcel could not be used for parking, then all the parking spaces located on that parcel would have to be located elsewhere in the proposed project, creating a taller building with a larger parking podium.

g. Accessory building or use located on a more restrictive zone

As noted above, the four below-grade parking levels will be concealed from public view and not visible to the community. The proposed public park will be situated at grade level and will be accessible to the public as well as the residents of the proposed project. This accessory use contributes to the demand for public open space in the Hollywood Community Plan area. In addition, the concept of a public park at this location has received widespread public support, from the Neighborhood Council to the CRA Board to the City Council President.

Since the parking structure will provide parking spaces to the residents and occupants of the mixed use building, there will be pedestrians and automobiles transitioning between the commercial and residential zones. This circulation does not produce a negative impact upon the community because having an internal transition between the two zones is a better alternative to having separate entrances from the street. Physically incorporating the park into this project while also making it accessible for public use provides the best chance for its success, i.e. to be used and to be safe. While the public may use and enjoy the park, the

people with a truly vested interest in its upkeep are the future homeowners of the project's condominium units.

Given the several public benefits that the proposed project includes and the fact that the project will be conditioned to include the mitigation measures identified in the Final Environmental Impact Report and Mitigation Monitoring and Reporting Program, the granting of the Variance to permit the proposed accessory uses – subsurface parking and open space – and the access between the two zones on the site will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located. In fact, both parking and open space are at a premium in Hollywood, making them desirable for the community.

h. Dedicated area to be included in calculating FAR and density

The granting of the variance would allow an additional three dwelling units and a total of 4,096 square feet of floor area to the proposed mixed use project on a unified development site. The scale, massing, and location of the buildings on the site respond to the unique shape of the site, the site's split zoning and the urban context. The structure has been designed so that the tallest portion of the building will step down towards the more residential, lower-intensity uses along Gordon Street. The 23-story residential tower (18-stories of residential atop a 5-level podium base) will be located along Sunset Boulevard with the parking podium located on the current site of the vacant OSF building and associated surface parking lot. The podium, responding in scale to the residential community along Gordon Street, will taper down to two levels as it extends onto the Gordon parcels set aside for the public park. The proposed park will be located at grade level and accessible to the public.

Given the several public benefits that the proposed project includes and the fact that the project will be conditioned to include the mitigation measures identified in the Final Environmental Impact Report and Mitigation Monitoring and Reporting Program, the granting of the Variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

Hollywood as a whole is a mixed-use community with residential, entertainment, commercial and retail uses. The proposed project will complement these uses in addition to providing new elements such as affordable workforce housing and a half-acre public park. The project will also energize a part of the City that now is a vacant building and a large swath of concrete. Vacant commercial buildings that go unused inevitably become blighted, which in turn creates a negative visual impact on the area and becomes an attractive home to transients. Not only does this not contribute to (positive) diversity, but it becomes a safety issue and a detrimental use.

High density projects stimulate diversity in an area, whether it's diversity in the age and types of buildings, population, businesses, or cityscape. Without a doubt, the sight of people attracts other people. However, in order to get people onto the streets, there needs to be a substantial number of stores and other public places along sidewalks, especially those used most heavily in the evening and night. Stores and restaurants all fulfill this purpose in that they draw people along the sidewalks. Small business owners always are in favor of safety as crimes committed against their patrons tends to be bad for business. Lastly, even just the activity generated by people on errands is itself an attraction to still other people. The ground floor of the Sunset & Gordon project is anticipated to include neighborhood serving retail as well as a restaurant, uses which will enliven the sidewalks while ensuring a safer neighborhood. This both benefits the public welfare and surrounding property by increasing safety and value.

As stated previously, the current City Zoning Code allows greater density for apartment developments as opposed to condominium projects. This distinction fails to address the issue as to whether one type of multi-family development is more detrimental to the public welfare than the other. Logic would seem to dictate that development of ownership units should be encouraged for the very reason that homeowners will become stakeholders in the community, concerned regarding the betterment of their neighborhood, and have a vested interest in more crime prevention and safety programs in their neighborhood. Homeownership brings many benefits to a community, and thus a variance to allow the highway dedication square footage to be included as buildable area will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity.

Lastly, the economic benefits from allowing more rather than less buildable area will promote the public welfare through public benefits such as increased employment, property, sales and utility taxes. The local community also benefits from the increased and conveniently located retail, dining and entertainment opportunities.

**5. *The granting of the variance will not adversely affect any element of the General Plan.***

Granting the requested Variances will not adversely affect any element of the General Plan. It is consistent with the Hollywood Community Plan, the Housing Element, and the Transportation Element, all of which aim to promote mixed-use high-density developments close to public transit hubs.

The proposed development is consistent with the following goals and objectives of the Housing Element and the Transportation Element:

From the Transportation Element:

Objective 3: Support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.

Sunset Boulevard is designated as a Scenic Major Highway in the Hollywood Community Plan. The zoning along Sunset Boulevard in the Hollywood Community Plan comprises varying Commercial Zones, which permit mixed-use development by right. The Hollywood Community Plan is proposing increases in allowable density and floor area along parts of Sunset Boulevard, including the project site. Therefore, the project's location along Sunset Boulevard helps to meet this objective of the Transportation Element.

(From page 3 of the Land Use-Transportation Policy, Appendix F of the Transportation Element): The Policy should not be rigidly applied but must allow for flexibility in achieving its goals for future development around transit station areas.

Among the objectives of the Land Use-Transportation Policy are to:

- Focus future growth of the City around transit stations.
- Increase land use intensity in transit areas, where appropriate.
- Create a pedestrian-oriented environment in context of an enhanced urban environment.
- Accommodate mixed commercial/residential use development.
- Provide for places of employment.
- Provide a wide variety of housing for a substantial portion of the projected citywide population.
- Reduce reliance on the automobile.

Through the provision of 305 for-sale residential units affordable at varying levels of income, office space, ground-floor retail/commercial space, and the creation of a new public park, the proposed project meets these stated goals of the Transportation Element of the General Plan.

- Policy 2.3.1 (from the Housing Element): Encourage and plan for high-intensity residential and commercial development in centers, districts, and along transit corridors, as designated in the Community Plans and the Transportation Element of the General Plan, and provide for the spatial distribution of development, that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled in order to mitigate traffic congestion, air pollution, and urban sprawl.

The proposed project is a high-density residential and commercial development located within three-fourths of a mile from a Red Line Metro station, along the Metro Rapid Bus line, and close to numerous other local bus routes. The Transportation Element of the General Plan designates the project site area as an Urban Complex, which shares many characteristics with Major Urban Centers, such as downtown LA. The combination of the high-density character of the proposed development and the proximity to local and rapid public transit routes will facilitate a reduction of vehicle trips and vehicle miles traveled and will help to mitigate traffic congestion, air pollution, and urban sprawl.

The proposed project is also consistent with the following policies of the Hollywood Community Plan:

Objective 1 To further the development of Hollywood as a major center of population, employment, retail services, and entertainment...

With 311 for-sale residential units, office space, ground floor retail space, and a public park, the proposed project will enhance Hollywood's growing reputation as a major center of population, employment, retail services, and entertainment. The proposed development is a large-scale project that is only possible in areas that have the infrastructure (e.g., proximity to grocery stores, commercial and entertainment establishments, and locations of employment) to support this type of development.

Objective 2 To designate lands at appropriate locations for the various private uses and public facilities in the quantities and at densities required to accommodate population and activities projected to the year 2010.

The proposed development incorporates a public park – a new public facility to help the region accommodate population and activities projected to the year 2010. The proposed office space will also help to keep employment opportunities close to the core of Hollywood, which will also help accommodate population growth and activities for the region.

Objective 3 To make provision the preservation and enhancement of the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.

The proposed development will allocate approximately 20% of its for-sale residential units as affordable at workforce housing levels. Therefore, it will add housing opportunities at both market-rate and workforce housing levels, thereby meeting the needs and desires of a variety of economic segments of the Hollywood community and maximizing the opportunity for individual choice.

Objective 5 ...To encourage open space and parks in both local neighborhoods and in high density areas.

The proposed development includes the creation of a new public park located in close proximity to existing for-sale and rental housing in a medium-to-high density residential neighborhood.

Therefore, granting the requested Variances will not adversely impact any aspect of the General Plan and, instead, meets some of the goals, objectives, and policies for development that are specified in various elements of the General Plan, including the Transportation Element, the Housing Element, and the Hollywood Community Plan.

**9. Adjustment Findings.** Pursuant to LAMC Section 12.28.D, the applicant has requested an Adjustment from LAMC Section 12.14.C and 12.11.C to permit reduced easterly and westerly side and rear yards from the required 15 feet (side) and 20 (rear) feet to 0 feet.

1. *The granting of an adjustment will result in development compatible and consistent with the surrounding uses.*

Like its surrounding properties to the east and west (along Sunset Boulevard), the project site is located in a Commercial Zone. The overwhelming majority of the buildings along Sunset Boulevard are used for commercial purposes and have no yard setbacks. Abutting the project site to the east is a surface parking lot and to the west (across Gordon Street) is low-rise commercial development. Therefore, the adjustment to reduce easterly and westerly side yards is compatible with development surrounding the project site to the east and west. To the north of the project is low- and mid-rise residential development. Residential uses adjacent to the project site will abut the new public park, which will function like a required setback. Therefore, to permit the elimination of the required side and rear yards would result in development compatible and consistent with the surrounding uses.

2. *The granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.*

The granting of the Adjustment to allow the proposed development to encroach into the required side and rear yard setbacks is in conformance with the intent and purpose of the General Plan. The proposed project is consistent with the Hollywood Community Plan, the Housing Element, and the Transportation Element, all of which aim to promote mixed-use high-density developments close to public transit hubs. The requested Adjustment is necessary to accommodate the high-quality design of the proposed project, which is itself in conformance with the type of mixed-use, high-density development that the General Plan promotes for the area.

3. *The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.*

The general purpose of the zoning regulations is to provide reasonable setbacks to allow adequate exposure to light and air for residents within a residential development. The requested reduction in the side and rear yard setbacks is consistent with the residential and non-residential needs for the various uses. Adequate light and air are provided for residents at the residential levels, and commercial setbacks consistent with the property's surroundings are provided at the non-residential levels. Adequate light and air are also maintained for the surrounding

residential uses without the express provision of the LAMC's setback requirements, for example, through the creation of a new public park.

The Planning and Zoning Code of the City allows mixed-use developments in the requested C2 Zone. Given the nature of the surrounding development, granting an adjustment to allow a reduced side yard setback conforms with the intent of the Planning and Zoning Code of the City.

4. *There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.*

There will not be any adverse impacts on the property to the east because those parcels are currently developed with a surface parking lot. There will not be any adverse impacts to the west because Gordon Street provides a buffer between the commercial and residential uses to the west of the proposed project. To the north there will be no adverse impacts because the public park will be located there. Therefore, there are no adverse impacts resulting from the requested adjustment.

5. *The site and/or existing improvements make strict adherence to zoning regulations impractical or infeasible.*

Strict adherence to zoning regulations is impractical and infeasible because they reduce the lot's usable space in a manner not applicable to surrounding developments. Located in a C4 Commercial Zone and surrounded by commercial development, strict adherence to the setback requirements (which are complicated due to the mixed-use nature of the project), would not allow the project to be built in such a beneficial manner for the community as is proposed. Also, the reduced easterly side yard setbacks along Sunset Boulevard allow for more of the project site to be left available to be developed as a new public park. Thus, requiring the side and rear yard setbacks would result in a more constrained development that may not be able to provide a public park, to the benefit of the entire community.

**10. Per Los Angeles Municipal Code (LAMC) Section 16.05, the Applicant requests approval of Site Plan Review.**

1. *That the project complies with all applicable provisions of the Los Angeles Municipal Code and any applicable Specific Plan.*

The proposed development has requested relief from provisions of the Zoning Code, as follows:

- A. Vesting Tentative Tract Map (VTT 68501) pursuant to Los Angeles Municipal Code (LAMC) Section 17.01 for the following:

- A merger of the subject property into one lot;

The condominium subdivision of

- 305 condominium residential units,
- Six retail condominium units,
- 20 office condominium units, and
- One park condominium unit.
- Two podium airspace lots for signage.

- A limited airspace encroachment over Gordon Street for two canopy awnings to be allowed by revocable permit (as required for LEED certification);
- A limited airspace encroachment over Gordon Street for sign lighting supports allowed by revocable permit;
- The following limited dedications and mergers:

#### Gordon Street Dedication

That a one-foot wide strip of land be dedicated along Gordon Street to complete a 27-foot wide half-street dedication in accordance with local street standards over that portion distant Northerly approximately 63 feet from the Northerly line of Sunset Boulevard to a point 417.69 feet Northerly from said Sunset Boulevard.

#### Gordon Street Building Projection

That a merger of 2 feet extending from a point 146.58 feet Northerly from the Northerly Line of Sunset Boulevard, Northerly along Gordon Street to approximately to 147.72 feet required limited vertically from the grade of the existing sidewalk to 25.75 feet above existing sidewalk grade.

#### Gordon Street Below Grade Parking Building Projection

A merger of 2 feet extending from a point 141.7 feet Northerly from the Northerly Line of Sunset Boulevard, Northerly along Gordon Street to approximately 132.4 feet there from. Limited vertically from the grade of the existing sidewalk to 37.4 feet below existing sidewalk grade.

#### Gordon Street Below Grade Footings of Existing Building

A merger of 2 feet extending from a point 2 feet Northerly from the Northerly Line of Sunset Boulevard, Northerly along Gordon Street to 53.0 there from. Limited vertically from existing sidewalk grade to 10 feet below existing sidewalk grade.

#### Gordon Street Balcony Projections

A merger of 2 feet extending from a point distant Northerly along Gordon Street 52.8 feet from the Northerly Line of Sunset Boulevard to 45 feet there from. Limited vertically from 53.5 feet above existing sidewalk to the top of building approximately 248.8 feet above sidewalk grade.

#### Gordon Street Building Projection

A merger of 2 feet extending from a point distant Northerly along Gordon Street approximately 99.7 feet from the Northerly Line of Sunset Boulevard to approximately 41.9 feet there from. Limited vertically from 25.75 feet above existing sidewalk to 248.8 feet above existing sidewalk.

#### Sunset Boulevard Dedication

That a two-foot wide strip of land be dedicated along Sunset Boulevard to complete a 52-foot wide half-street dedication in accordance with Major Highway – Class II street standards over that portion distant Easterly from the Easterly line of Gordon Street and continuing Easterly 29.3 feet and also a two-foot wide strip of land over that portion beginning 85.8 feet Easterly from said Easterly line of Gordon Street and continuing Easterly 135.54 feet.

A deviation from the Advisory Agency's Residential Parking Policy No. AA 2000-1 (2 parking spaces + 0.5 guest parking spaces per unit in a parking congested area) to allow a residential parking ratio of 1.28 residential parking spaces per unit, in lieu of

- the 2 residential parking spaces and 0.5 guest parking spaces required by the Advisory Agency's Parking Policy.
- B. Per LAMC Section 11.5.6.A, a General Plan Amendment to revise the land use designation in the Hollywood Community Plan from Highway Oriented Commercial to Regional Center Commercial (with the exception of 1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2).
  - C. Per LAMC Section 12.32.F, a Zone Change from the C4 and [Q]R4 Zones to the C2 Zone (with the exception of 1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2)
  - D. Per LAMC Section 12.32.F, a Zone Change to remove the [Q] Condition (Ordinance No. 165,662) from the R4 Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2 only) to permit a density of 400 square feet of lot area per unit in lieu of the current restriction of 600 square feet of lot area per unit.
  - E. Per LAMC Section 12.32F, a Height District Change from Height Districts -1VL and -1 to Height District -2D (with the exception of 1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2). The proposed "D" Limitation would limit the allowable Floor Area Ratio to 5.15:1 using pre-dedicated lot area, in lieu of the 6:1 FAR otherwise permitted in Height District 2.
  - F. Per LAMC Section 12.24.W.1, a Conditional Use Permit to allow a Plan Approval to permit the continued sale of alcohol for on-site consumption.
  - G. Per LAMC Section 12.24.W.19, a Conditional Use Permit to permit floor area averaging across the entire site.
  - H. Per LAMC Section 12.27, the following Zone Variances:
    - 1. a Variance from LAMC Section 12.21.A.4 to permit a residential parking ratio of 1.28 parking spaces per unit in lieu of the following requirement: one parking space for each unit of less than three habitable rooms, 1.5 parking spaces for each dwelling unit of three habitable rooms, and two parking spaces for each dwelling unit of more than three habitable rooms;
    - 2. a Variance from LAMC Section 12.21.A.5 to permit reduced clear space at structural elements from 10 inches to 0 inches, and providing one compact stall in lieu of the one required standard parking stall per residential dwelling unit;
    - 3. a Variance from LAMC Section 12.11.A, 12.14.C, and 12.21.1.A to permit floor area and density averaging across a unified development site to include property that is not currently located in a C or M Zone, specifically to include property presently located in the [Q]R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2)
    - 4. a Variance from LAMC Section 12.21.G to allow reduced open space to provide approximately 96 square feet for every dwelling unit, in lieu of the following requirement: 100 square feet for each unit having less than three habitable rooms, 125 square feet for each unit having three habitable rooms, and 175 square feet for each unit having more than three habitable rooms;

5. a Variance from LAMC Section 12.11 and Sections 12.21.C.1(i) and Section 12.21.C.1(j) to permit the proposed public park to be sold as a separate condominium unit and to be constructed, operated, maintained and located above the Parking Building in the [Q] R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2);
6. a Variance from LAMC Section 12.11 to permit a Parking Building and underground parking to be constructed, operated and maintained in the [Q] R4-1VL Zone (1528 – 1540 N. Gordon Street, Lots 17, 18 and 19 of Bagnoli Tract No. 2);
7. a Variance from LAMC Section 12.21C.5(h) to permit the Parking Building and Public Park to be maintained as accessory uses in relation to the primary uses (mixed use building) in the adjacent commercial zone, and to allow pedestrian and vehicular access and circulation between the residential and commercial zoned parcels and vice versa.
8. a Variance from LAMC Sections 12.11.C, 12.14.C, 12.21.1.A.2 and 12.37.G to permit the lot area used in calculating residential density and floor area on the proposed R4 and C2 zoned portions of the property to include the area required for street dedications of one foot along Gordon Street and two feet along Sunset Boulevard, which would result in a total density of 305 units in lieu of 302 units over the entire site and a total floor area of 324,901 square feet in lieu of 320,805 square feet over the entire site.
- I. Per LAMC Section 12.28, a Zoning Administrator's Adjustments from LAMC Section 12.14.C and 12.11.C to permit reduced easterly and westerly side and rear yards from the required 15 feet (side) and 20 (rear) feet to 0 feet.
- J. Per LAMC Sections 11.5.7C and 11.5.7.F and Sections 6.C.9, 6.D and 7.M.2.d of the Hollywood Signage Supplemental Use District Ordinance No. 176,172 (the "Hollywood Signage Ordinance"), the Applicant requests approval for Project Permit Compliance for two Supergraphic Signs, a Sign Reduction Plan and an Exception from the Hollywood Signage and Supplemental Use District Ordinance to permit two Supergraphic Signs to be located on the eastern and southern façade elevations of the building in lieu of the signs being located on opposite walls of the building that cannot be viewed at the same time from any location.
- K. Pursuant to various sections of the LAMC, the Applicant will request approvals and permits from the Building and Safety Department (and other municipal agencies) for project construction actions including, but not limited to the following: demolition, haul route, excavation, shoring, grading, foundation, building and tenant improvements.

If approved, the decisions for VTT Map No. 68501 and the above-referenced zoning requests will bring the project into compliance with all applicable provisions of the Code. The project site is not located within a Specific Plan area but is located within the Hollywood Signage Supplemental Use District.

2. *The project is consistent with the General Plan.*

The proposed project includes requests for a General Plan Amendment, Zone Change and Height District Change. If approved, the Zone Change and Height District Change will be consistent with the General Plan Land Use Designation, as proposed.

The proposed development is in conformance with the intent and purpose of the General Plan and will not be detrimental to the character of development in the immediate neighborhood. It is in harmony with the Hollywood Community Plan, the Housing Element, and the Transportation Element of the General Plan, all of which aim to promote mixed-use high-density developments close to public transit hubs.

The proposed development is consistent with the following goals and objectives of the Housing Element and the Transportation Element:

From the Transportation Element:

Objective 3: Support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.

Sunset Boulevard is designated as a Scenic Major Highway in the Hollywood Community Plan. The zoning along Sunset Boulevard in the Hollywood Community Plan comprises varying Commercial Zones, which permit mixed-use development by right. The Hollywood Community Plan is proposing increases in allowable density and floor area along parts of Sunset Boulevard, including the project site. Therefore, the project's location along Sunset Boulevard helps to meet this objective of the Transportation Element.

From page 3 of the Land Use-Transportation Policy, Appendix F of the Transportation Element): The Policy should not be rigidly applied but must allow for flexibility in achieving its goals for future development around transit station areas.

Among the objectives of the Land Use-Transportation Policy are to:

- Focus future growth of the City around transit stations.
- Increase land use intensity in transit areas, where appropriate.
- Create a pedestrian-oriented environment in context of an enhanced urban environment.
- Accommodate mixed commercial/residential use development.
- Provide for places of employment.
- Provide a wide variety of housing for a substantial portion of the projected citywide population.
- Reduce reliance on the automobile.

Through the provision of 305 for-sale residential units affordable at varying levels of income, creative office space, ground-floor retail/commercial space, and the creation of a new public park, the proposed project meets these stated goals of the Transportation Element of the General Plan.

From the Housing Element:

- Policy 2.3.1: Encourage and plan for high-intensity residential and commercial development in centers, districts, and along transit corridors, as designated in the Community Plans and the Transportation Element of the General Plan, and provide for the spatial distribution of development, that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled in order to mitigate traffic congestion, air pollution, and urban sprawl.

The proposed project is a high-density residential and commercial development located within three quarters of a mile from a Red Line Metro station, along the Metro

Rapid Bus line, and close to numerous other local bus routes. The Transportation Element of the General Plan designates the project site area as an Urban Complex, which shares many characteristics with Major Urban Centers, such as downtown LA. The combination of the high-density character of the proposed development and the proximity to local and rapid public transit routes will facilitate a reduction of vehicle trips and vehicle miles traveled and will help to mitigate traffic congestion, air pollution, and urban sprawl.

The proposed project is also consistent with the following policies of the Hollywood Community Plan:

Objective 1 To further the development of Hollywood as a major center of population, employment, retail services, and entertainment...

With 311 for-sale residential units, office space, ground floor retail space, and a public park, the proposed project will enhance Hollywood's growing reputation as a major center of population, employment, retail services, and entertainment. The proposed development is a large-scale project that is only possible in areas that have the infrastructure to support this type of development.

Objective 2 To designate lands at appropriate locations for the various private uses and public facilities in the quantities and at densities required to accommodate population and activities projected to the year 2010.

The proposed development incorporates a public park – a new public facility to help the region accommodate population and activities projected to the year 2010.

Objective 3 To make provision the preservation and enhancement of the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.

The proposed development will allocate approximately 20% of its for-sale residential units as affordable at workforce housing levels. Therefore, it will add housing opportunities at both market-rate and workforce housing levels, thereby meeting the needs and desires of a variety of economic segments of the Hollywood community and maximizing the opportunity for individual choice.

Objective 5 ...To encourage open space and parks in both local neighborhoods and in high density areas.

The proposed development includes the creation of a new public park located in proximity to existing for-sale and rental housing in a medium-to-high density residential neighborhood.

Therefore, the proposed project is consistent with and will not adversely impact any aspect of the General Plan and, instead, meets many of the goals, objectives, and policies for development that are specified in various elements of the General Plan, including the Transportation Element, the Housing Element, and the Hollywood Community Plan. The proposed development will not in any way be detrimental to the character of development in the immediate neighborhood.

3. *The project is consistent with any applicable adopted Redevelopment Plan.*

The project site is located within the Hollywood Community Redevelopment Plan Area. On October 18, 2007, the Community Redevelopment Agency Board approved an Owner Participation Agreement and other related actions covering the development of the project and found it to be consistent with the Redevelopment Plan. These approvals were subsequently confirmed by the City Council on December 14, 2007.

In addition, the proposed project fulfills many of the goals and objectives of the Hollywood Redevelopment Plan, including, but not limited to, the following:

**Goal #3** *Promote a balanced community meeting the needs of residential, commercial, industrial, arts and entertainment sectors.*

The proposed project will provide a balanced development by providing homeownership opportunities, including some housing affordable at workforce levels, approximately 13,500 square feet of commercial space, and a public park. In addition, the proposed project will, through the inclusion of approximately 40,000 square feet of office space, increase employment and business opportunities of the arts and entertainment sectors, which are vital to the economy of Hollywood.

**Goal #9** *Provide housing choices and increase the supply and improve the quality of housing for all income and age groups, especially for persons with low and moderate incomes and to provide homeownership opportunities and other housing choice which meet the needs of the resident population.*

The proposed project will add 305 for-sale residential units, approximately 20% of which will be affordable at workforce levels, helping to meet the needs of various income groups and Hollywood's existing residential population.

**Goal #10** *Promote the development of sound residential neighborhoods through mechanisms such as land uses, density and design standards, public improvements, property rehabilitation, sensitive in-fill housing, traffic and circulation programming, development of open spaces, and other support services necessary to enable residents to live and work in Hollywood.*

Through the provision of a public park, creative office space, for-sale residential units, workforce housing, and ground floor retail space, the proposed project will provide new opportunities for residents to live and work in Hollywood.

**Goal #11** *Recognize, promote, and support the retention, restoration and appropriate reuse of existing buildings, groupings of buildings and other physical features especially those having significant historic and/or architectural value and ensure that new development is sensitive to these features through land use and development criteria.*

The proposed project will incorporate a portion of the existing 5939 Sunset Blvd. existing restaurant building into the ground floor of the project. In doing so, the proposed project will retain and restore the building, which has some sentimental value to the Hollywood community, for continued use as a retail space.

**Goal #13** *Promote and encourage development of recreational and cultural facilities and open spaces necessary to support attractive residential neighborhoods and commercial centers.*

The proposed project includes a new public park, which will support the existing active residential neighborhood, and 305 for-sale residential units, approximately 20% of which will be affordable at workforce levels, which will allow the community to continue to develop and grow. The provision of retail space and creative office space on Sunset Boulevard will likewise support the growth and development of the commercial center.

The project site is located within the Hollywood Community Redevelopment Plan Area. The Applicant is has an Owner Participation Agreement with the CRA.

In addition, the proposed project fulfills many of the goals and objectives of the Hollywood Redevelopment Plan, including, but not limited to, the following:

**Goal #3** Promote a balanced community meeting the needs of residential, commercial, industrial, arts and entertainment sectors.

The proposed project will provide a balanced development by providing homeownership opportunities, including some housing affordable at workforce levels, approximately 13,500 square feet of commercial space, and a public park. In addition, the proposed project will, through the inclusion of approximately 40,000 square feet of creative office space, increase employment and business opportunities of the arts and entertainment sectors, which are vital to the economy of Hollywood.

**Goal #9** Provide housing choices and increase the supply and improve the quality of housing for all income and age groups, especially for persons with low and moderate incomes and to provide homeownership opportunities and other housing choice which meet the needs of the resident population.

The proposed project will add 305 for-sale residential units, approximately 20% of which will be affordable at workforce levels, helping to meet the needs of various income groups and Hollywood's existing residential population.

**Goal #10** Promote the development of sound residential neighborhoods through mechanisms such as land uses, density and design standards, public improvements, property rehabilitation, sensitive in-fill housing, traffic and circulation programming, development of open spaces, and other support services necessary to enable residents to live and work in Hollywood.

Through the provision of a public park, office space, for-sale residential units, workforce housing, and ground floor retail space, the proposed project will provide new opportunities for residents to live and work in Hollywood.

**Goal #11** Recognize, promote, and support the retention, restoration and appropriate reuse of existing buildings, groupings of buildings and other physical features especially those having significant historic and/or architectural value and ensure that new development is sensitive to these features through land use and development criteria.

The proposed project will incorporate a portion of the existing 5939 Sunset Blvd. existing restaurant building into the ground floor of the project. In doing so, the proposed project will retain and restore the building, which has some sentimental value to the Hollywood community, for continued use as a retail space.

Goal #13 Promote and encourage development of recreational and cultural facilities and open spaces necessary to support attractive residential neighborhoods and commercial centers.

The proposed project includes a new public park, which will support the existing active residential neighborhood, and 305 for-sale residential units, approximately 20% of which will be affordable at workforce levels, which will allow the community to continue to develop and grow. The provision of retail space and creative office space on Sunset Boulevard will likewise support the growth and development of the commercial center.

4. *The project consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, which is or will be compatible with existing and future development on neighboring properties.*

The foregoing variance and other zoning approval findings relating to the project's compatibility with property and improvements in the vicinity are incorporated herein. The project will be compatible with existing and future development on neighboring properties because the project integrates design principles that include diversity, human scale and sustainability. For example, beginning with the podium levels, the first 60 feet will contain some of the project's parking spaces, the commercial/retail space and the office space and will incorporate a significant portion of the OSF Building's original building façade into the new structure. Although the OSF building has undergone changes detrimental to its character over the years, Sunset and Gordon proposes to restore much of the building to its original appearance of the 1920s thus preserving its distinctive qualities, social value and the local neighborhood character.

The varied massing, setbacks, and ground floor windows are combined to contribute to the interest and vitality of the public street, in particular to Sunset Boulevard. Because the project design places the interior public spaces adjacent to the exterior public spaces, i.e. the sidewalk and street, the two spaces become interrelated creating a synergy that serves to enliven the whole area. Safety also is enhanced by locating active uses at ground level such as shops, cafes and restaurants, especially restaurants that allows outdoor seating, because this allows the emergence of a constant public surveillance system promoting safety and in turn encouraging more pedestrian activity.

Open space, especially in the midst of highly urban areas, always contributes positively to a neighborhood and community. The site location on Sunset Boulevard and Gordon Street presents a significant opportunity to provide public open spaces that are attractive, interesting, comfortable, and functional for pedestrians. The proposed streetscape and landscape design balances the spatial needs within the right-of-way, enhances the urban environment that encourages and supports pedestrian activity and improves the Hollywood neighborhood.

Lastly, the proposed mixed-use high-rise development is consistent with existing uses that surround the project site, since most are either residential or retail, as well

as with the scale of development in the vicinity given the high-rise office buildings located only a few blocks to the west along Sunset Boulevard. As the trend is towards higher density development, including mixed use projects, Sunset and Gordon will not only be compatible with these future developments, but undoubtedly serve as a model showing high-rise projects can successfully combine modern and historic architecture within a structure that fits into the neighborhood context, all while adhering to applicable environmental standards.

5. The project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or any additional findings as may be required by CEQA.

Pursuant to the California Environmental Quality Act ("CEQA," Public Resources Code Section 21000 et seq.), the Community Redevelopment Agency ("Agency") has acted as the lead agency for the approval of the Sunset Gordon Mixed-Use Project (the "Project") on the site and, in that connection, prepared and certified a Final Environmental Impact Report under CEQA to analyze the potentially significant environmental impacts of the Project. A Final Environmental Impact Report for the Sunset and Gordon Mixed-Use Project ("Final EIR") was prepared pursuant to CEQA and the State and Agency CEQA Guidelines, which included the Draft EIR and additions and corrections and written responses to the verbal and written comments made at the public hearing and during the CEQA review period. Subsequent to the completion of the Final EIR, a modification to the proposed signage program was requested by Agency staff so that one of the two supergraphic signs could be relocated from the west side of the building to the south side of the building. Therefore, an environmental analysis was prepared to determine whether this change created any new adverse significant impacts. The conclusion was that no new adverse significant impacts would occur and an Erratum to the Final EIR was prepared. On October 18, 2007, the Agency adopted Resolution No. 7094 that certified that the Final EIR was completed in compliance with CEQA and the CEQA and Agency Guidelines, that the information contained in the Final EIR and the Erratum to the Final EIR has been reviewed and considered by the Commissioners of the Agency prior to considering the proposed Project, and that the Final EIR and the Erratum to the Final EIR reflects the independent judgment and analysis of the Agency. The Agency thereafter adopted Resolution No. 7095 approving CEQA findings for the approval of the Project, a statement of overriding considerations, and a mitigation monitoring and reporting program. The Agency's actions were approved by the City Council on December 14, 2007.

The City Planning Commission is a responsible agency under the CEQA Guidelines and is required to make findings as required by CEQA with respect to its approval of the Project. The City Planning Commission has reviewed and considered the information contained in the Final EIR, including the Erratum to the Final EIR, notwithstanding that, it is denying the exception for the south facing Supergraphic sign, for the Project and other documents in the record with respect to the Project and certifies that its decision on the Project reflects its independent judgment. The City Planning Commission further determines that:

- it has considered, pursuant to the CEQA Guidelines Section 15096 all relevant evidence in the record, including but not limited to the Final EIR, the Erratum to the Final EIR, and the Agency's determinations and findings in Resolutions Nos. 7094 and 7095 (collectively the "CEQA Documents");

- based on substantial evidence in the record, no subsequent or supplemental EIR is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163;
- it has considered the environmental effects of the Project as set forth in the CEQA Documents, pursuant to CEQA Guidelines Section 15096(f) and readopts the CEQA findings adopted by the Agency Board, each of which are incorporated by reference herein;
- it finds, pursuant to CEQA Guidelines Section 15091(a)(1) that changes and alterations have been required by the Agency and incorporated into the Project which avoid or substantially lessen the significant environmental effects as identified in the CEQA Documents;
- it finds, pursuant to CEQA Guidelines Section 15093, that certain economic, legal, social, technological or other benefits of the Project, as set forth below, outweigh the unavoidable adverse environmental effects, all of which are identified in the CEQA Documents;
- it finds, pursuant to CEQA Guidelines Section 15096(g)(2), that there are no feasible alternatives or feasible mitigation measures (other than those already imposed by the Agency and identified in the CEQA Documents) that would substantially lessen or avoid any significant environmental effect of the Project as identified in the CEQA Documents; and
- it hereby finds that the CEQA Documents are adequate under CEQA for approval of the Project.

#### Statement of Overriding Considerations

The proposed Sunset and Gordon Mixed-Use Project will result in significant unavoidable impacts, for which alternatives and mitigation measures to reduce the impacts to insignificant levels are not available or feasible for the reasons described in the Final EIR, in the following environmental impact or issue area(s): shade and shadow, construction related noise and vibration, and ambient noise exposure above land use/noise compatibility standards for multi-family residential uses. Despite these significant impacts which have not been mitigated to below a level of significance, the Planning Commission has balanced the benefits of the Project against the unavoidable significant environmental effects as described in the CEQA Documents and makes the following Statement of Overriding Consideration that the Project will result in the following substantial community benefits, including economic, legal, social, technological, or other benefits, that outweigh and render acceptable the significant effects on the environment that cannot be mitigated to a level less than significant. Specifically such benefits include but are not limited to the following:

Promotes housing choices by providing workforce housing options

Preserves and increases employment with the creation of new commercial and creative office targeted at the entertainment community

Promotes a balanced community by providing a mix of land uses including commercial residential, and open space

Provides a public park of approximately 21,500 square-feet

Promotes rehabilitation and restoration by preserving key elements of the Peerless Auto Showroom/Old Spaghetti Factory, a vintage 1924 building

Improves the quality of the environment by constructing to a Leadership on Environment and Energy Design ("LEED") Gold Standard

Provides temporary construction-related employment opportunities using all union labor with a local area hiring program in place.

The City Planning Commission hereby concurs in and adopts as its own the findings and statements of overriding considerations made by the Agency as set forth in Resolution No. 7095, and concurs in and adopts the Mitigation Monitoring and Reporting Program for the Project.

The record of the proceedings upon which this decision is based is located in the City Clerk's Office, Room 360 City Hall, 200 North Spring Street, Los Angeles, California 90012, and in the offices of the Agency located at 354 South Spring Street, Suite 800, Los Angeles, California 90013.

The final EIR was adopted by the City Council on December 14, 2007 with a statement of overriding consideration.

6. *Any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.*

The proposed project offers a substantial amount of both public and private open space to its residents. Each unit enjoys a private balcony and the common amenities include a large pool on the top of the parking podium adjacent to the residential tower.

The residents as well as members of the surrounding community will also enjoy access to an approximately half-acre public park, on Gordon Street, in an area which is characterized by older apartment buildings with limited open space areas, and with no other public parks in the immediate area. Thus, this public park will provide a valuable community benefit.

Since the private recreational amenities are part of the actual structure which borders Sunset Boulevard, the half-acre public park situated on the Gordon lots will provide a substantial buffer between these amenities and the residential uses to the north. Thus, the project will provide its residents, and the public as well, with appropriately located recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.

The proposed project offers private balconies and common open space for its residents and a public park for its residents and the surrounding community. The common open space will provide residential amenities, such as a pool, on top of the parking podium and adjacent to the residential tower, which will be made available to the proposed development's residents, without negatively impacting any neighboring properties.

- 12. Pursuant to LAMC Sections 11.5.7C and 11.5.7.F and Sections 6.C.9, 6.D and 7.M.2.d of the Hollywood Signage Supplemental Use District Ordinance No. 176,172 (the “Hollywood Signage Ordinance”), the Applicant requests approval for Project Permit Compliance for two Supergraphic Signs, a Sign Reduction Plan and an Exception from the Hollywood Signage and Supplemental Use District Ordinance to permit two Supergraphic Signs to be located on the eastern and southern façade elevations of the building in lieu of the signs being located on opposite walls of the building that cannot be viewed at the same time from any location.**

Hollywood Signage Supplemental Use District. The Hollywood Signage Supplement Use District (SUD) was approved October 4, 2004. The Ordinance indicates that signage is an important part of Hollywood’s architectural history, where marquees on movie palaces, gracefully lettered rooftop signs, projecting signs and the Hollywood sign, are the insignias of Hollywood’s famous entertainment district. The ordinance was enacted to acknowledge and promote the continuing contribution of signage to the distinctive aesthetic of Hollywood, as well as to control the blight created by poorly placed, badly designed signs throughout the district.

The purpose of the Supplement Use District is to provide for the systematic execution of the Hollywood Community Plan and Redevelopment Plan. Additionally, it’s purpose is to promote appropriate and economically viable signage that: Uses clear, attractive graphics; Coordinates with the architectural elements of the building on which signage is located; Reflects a modern, vibrant image of Hollywood as the global center of the entertainment industry; and Complements and protects the character-defining features of historic buildings. The Supplemental Use District purposes to limit visual clutter by: Regulating the number, size and location of signs; Minimizing potential traffic hazards and protecting public safety; Protecting street views and scenic vistas of the Hollywood Sign and the Hollywood Hills, and; protecting and enhancing major commercial corridors and properties.

Specifically, the Hollywood Signage SUD requires that: All existing and proposed signs are appropriately scaled to the architectural character of all buildings and structures on the lot; All existing and proposed signs result in a complementary enhancement to the architecture on the lot; All existing and proposed signs result in a visually uncluttered appearance; All existing and proposed signs do not obscure street views of Character-Defining Features of Historic Buildings, Historic Signage, the Hollywood Hills and the Hollywood Sign; and all existing and proposed signs do not exceed the maximum permitted combined sign area allowed pursuant to the Ordinance.

**LAMC Section 11.5.7 C.2. The Director shall grant a Project Permit Compliance upon written findings that the project satisfies each of the following requirements:**

- A.** *That the project substantially complies with the applicable regulations, standards, and provisions of the Hollywood Sign District Specific Plan, Ordinance 176172:*

1. Section 6.F. Required Findings

*Subsection 1. All existing and proposed signs are appropriately scaled to the architectural character of all buildings and structures on the lot*

The 44'-9" wide by 43'-2' approximately 1,931 square foot, supergraphic sign on the southeastern corner of the proposed 23 story mixed use building is located on a distinct pedestrian oriented podium element of the building which is designed to frame the gateway into the Hollywood Entertainment District (Exhibit H). By locating on the pedestrian oriented podium portion of the building, the proposed supergraphic sign is a design element with clean lines which enhances a character defining feature of the proposed mixed use building. The supergraphic sign is appropriately scaled to the building based on the large scale and height of the proposed mixed use development and adds an interesting, architecturally integrated element to a prominent facade of the proposed building. Given the large scale of the building and the complementary nature of the sign in relative proportion to the building, the proposed Supergraphic Sign is consistent with signage in Hollywood in terms of size and character, and appropriately scaled and consistent with the massing, vertical form and podium element of the subject building.

*Subsection 2. All existing and proposed signs result in a complementary enhancement to the architecture on the lot;*

The proposed supergraphic sign is an enhancement to the architecture on the lot as it reflects a modern, vibrant image of Hollywood as the global center of the entertainment industry through the use of vibrant colors and a large scale format. The supergraphic signage adds interest to the architecture on the lot by locating on the distinctive pedestrian oriented podium element. The building's facades are primarily glass, stucco, and metal paneling on the upper portions with CMU block, pre-cast concrete, steel frame, glass, and wire mesh assembly panels on the east facade podium level. The proposed supergraphic sign will be located on the podium level, attached to the wire mesh assembly panel, which will provide visual interest in contrast to the relatively unadorned podium façade. The supergraphic sign will also add visual interest in contrast to the glass, stucco, and metal paneling on the upper floors. The proposed development is designed to integrate the supergraphic sign into the architecture in a complementary manner. The proposed signage will result in a complementary enhancement to the architecture on the lot by adding a vibrantly colored element of appropriate proportion in relation to the architectural mass of the development.

*Subsection 3. All existing and proposed signs result in a visually uncluttered appearance.*

Because the supergraphic sign is located on the east façade of the podium level, and the tenant wall signage is proposed to be located along the Sunset Boulevard façade, the visual clutter created by the signage is minimized. In addition, no other signage is proposed for the same façade as the supergraphic. The supergraphic sign is a clean, square element that is designed to be a part of the building's architecture. Based on the location and design of the sign and the large scale of the building, the proposed sign will result in a visually uncluttered appearance.

*Subsection 4. All existing and proposed signs do not obscure street views of Character Defining Features of Historic Buildings, Historic signage, the Hollywood Hills, and the Hollywood Sign;*

The proposed sign will not block street views or vistas of the Project Area's scenic resources – Historic Buildings, the Hollywood Sign, and Hollywood Hills or detract from the scenic quality of Hollywood Boulevard. The sign will be integrated into the building's architecture and will not protrude into any view corridor. The sign will be attached flush to the building's façade and will not extend past the roofline. The 1924 Peerless Motor

Company Building (recently known as the Spaghetti Factory Restaurant), which has been integrated into the building design, is listed as a historic resource in the Community Redevelopment Agency's Historic Survey of Hollywood. The proposed supergraphic sign is not located adjacent to the Peerless Motor Company Building; therefore, the signage does not obscure Character Defining Features of this historic building.

*Subsection 5. All existing and proposed signs do not exceed a maximum permitted combined sign area allowed pursuant to Section 5F of this Ordinance.*

Per Section 7.M.3 of the Ordinance, the sign area comprising a supergraphic sign is not counted toward the maximum permitted combined sign area allowed on the building frontage where the Supergraphic Sign is located. Future tenant signs are indicated on the renderings; however, no formal application has been made for those signs. When applied for, the future tenant signs will be included in the maximum permitted combined sign area.

### **Section 7.M. STANDARDS FOR SPECIFIC TYPES OF SIGNS – SUPERGRAPHIC SIGNS.**

*Subsection 1(a) – General. A Supergraphic Sign shall not be allowed on any lot where a Billboard or Solid Panel Roof Sign is located.*

The proposed supergraphic sign will be located on a newly constructed mixed-use building with no approved or proposed billboards or solid panel roof signs within the development.

*Subsection 1(b) – General. To qualify for a Supergraphic Sign an applicant shall participate in the sign reduction program, pursuant to Section 9 of this Ordinance.*

The applicant shall participate in a Sign Reduction Program, pursuant to DIR-2007-5241-SPP (Exhibit H-2). The sign to be removed is a double sided pole sign (56" x 14') located at 1649 N. La Brea Avenue. The total takedown credit for this sign is 3,136 square feet and the proposed sign is 1,931square feet (Exhibit H-1).

*Subsection 2(a) – Location. A Supergraphic Sign shall not cover windows on a principal building façade, including operable or inoperable windows, and window walls, except as part of a temporary special display, pursuant to Subsection O of this section, or except when the building has more than two principal building facades.*

The proposed sign does not cover any windows as the sign is located on a stainless steel wire mesh panel, which is integrated into the architecture of the building and attached to the building's blank façade.

*Subsection 2(b) – Location. There shall be no other signage on a façade which contains a Supergraphic Sign, except for a high-rise sign.*

The proposed supergraphic sign is located on the east façade of the podium level. Though the applicant anticipates small scale tenant wall signage located on the ground level of the south building façade, no other signage is approved for this development.

*Subsection 2(c) – Location. A Supergraphic Sign shall not cover architectural features and character defining features of a façade.*

The proposed supergraphic sign is to be architecturally integrated into a proposed development. The proposed supergraphic sign was designed to become a character

defining feature of the building through simple, large scale design and prominent location on the façade of the pedestrian oriented podium level.

*Subsection 2(d) – Location. A maximum of two Supergraphic Signs may be located on a building provided the images are located on opposite walls of the building and cannot be viewed at the same time.*

One supergraphic sign is approved as part of this determination.

*Subsection 4(a) – Area. A Supergraphic Sign shall be at least 1200 square feet in size.*

The proposed supergraphic sign exceeds the minimum size requirement of 1,200 square feet with a total sign area of 1,931 square feet.

*Subsection 4(b) – Area. The written message, including logos, shall not exceed 15 percent of the total area of the sign. Depiction of any logo or text shall count as text.*

The written message, including logos of the proposed supergraphic sign, as conditioned, will not occupy more than 15 percent of the total sign area.

*Subsection 5(a) – Construction. A Supergraphic Sign that is comprised of vinyl or other materials may be attached to a wall with an adhesive approved by the Fire Department or by mechanical means approved by LADBS.*

The proposed supergraphic sign consists of a printed image on a perforated vinyl or fabric affixed with attachment details over a wire mesh assembly panel that is mounted on the façade of the podium. The panel is permanently affixed to the podium; therefore, the sign is not attached by mechanical means.

*Subsection 5(b) – Construction. The exposed face of a Supergraphic Sign shall be approximately parallel to the plane of the wall upon which it is located.*

The proposed supergraphic sign will be mounted parallel to the plane of the east podium façade.

*Subsection 5(c) – Construction. A Supergraphic Sign shall not cover doors, vents, rescue windows, or other openings that serve occupants of the building.*

The supergraphic sign will not cover any door, vents, rescue windows, or other openings that serve occupants of the building as the sign is incorporated into the design of the building. The sign is located on a blank façade, free of any openings.

*Subsection 5(d) – Construction. Supergraphic Signs comprised of mylar or other film-like transparent materials, such as perforated vinyl, may be applied directly to individual windows not located on principal building facades.*

The proposed supergraphic sign will not be applied directly to individual windows.

### **13. Specific Plan Exception (Denial) Findings (Supergraphic Sign on South Façade)**

- a. *The strict application of the regulations of the specific plan to the subject property will not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.*

The purpose and intent of the Hollywood Signage Supplemental Use District is to:

- A. Provide for the systematic execution of the Hollywood Community Plan and Redevelopment Plan.
- B. Promote appropriate and economically viable signage that:
  - 1. Uses clear, attractive graphics;
  - 2. Coordinates with the architectural elements of the building on which signage is located.
  - 3. Reflects a modern, vibrant image of Hollywood as the global center of the entertainment industry; and
  - 4. Complements and protects the character-defining features of historic buildings.
- C. Limit visual clutter by regulating the number, size, and location of signs.
- D. Minimize potential traffic hazards and protect public safety.
- E. Protect street views and scenic vistas of the Hollywood Sign and the Hollywood Hills.
- F. Protect and enhance major commercial corridors and properties.

The request to permit a 41'-5<sup>1</sup>/<sub>2</sub>' wide by 30'-2', approximately 1,250 square foot supergraphic sign to be located on the southern façade elevation of the building in lieu of the signs being located on opposite walls of the building that cannot be viewed at the same time from any locations is recommended for denial (Exhibit H-3).

The supergraphic sign location on the southern façade will increase "visual clutter" and detract from street views within the SUD. The purpose of the regulation requiring supergraphic signage to be located on opposite wall facades is to limit "visual clutter" by regulating the number and location of signs, as well as to protect street views. In addition, conceptual tenant wall signage on the southern side has been indicated on the plans, which is not part of this approval. Certain types of tenant signage may be approved with only a Planning Department sign off on the permit application, per Sec. 6 of the Hollywood Signage SUD so long as it complies with the Standards for Specific Types of Signs, provided in Sec. 7 of the Hollywood Signage SUD.

The SUD regulations prohibit any other signage on a façade which contains a supergraphic sign, except for a high-rise sign in order to limit "visual clutter". While the Specific Plan does promote appropriate and economically viable signage, denial of the development of the supergraphic on the southern façade does not preclude the development of a supergraphic sign on other building facades in order to comply with the guidelines.

Locating the proposed supergraphic on the southern façade will not advance the purpose and intent of the Specific Plan to promote signage that protects the character defining features of historic buildings, as this sign will not complement the 1924 Peerless Motor Company Building, listed as a historic resource in the Community Redevelopment Agency's Historic Survey of Hollywood. The strict application of the Specific Plan will not result in practical difficulties or unnecessary hardship if this sign is not permitted to be located directly above the Peerless Motor Company Building as the project has other façade locations onto which supergraphic signage may be affixed.

- b. *There are no exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.*

There are no exceptional circumstances or conditions applicable to the subject property, use or development that does not apply to other properties located within the Supplemental Use District. Development of supergraphic signage can be accomplished on opposite walls of the building, for example, along the Gordon Street facade, as permitted by the Specific Plan, thus meeting the SUD's definition of permitted supergraphic signage.

- c. *The requested exception is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

The subject request if granted would allow the applicant to develop supergraphic signage on adjacent building facades, which would not be in compliance with the established regulations of the SUD. The applicant can comply with the requirements of the Plan by locating them on opposite facades, and as such no hardship exists to allow for the requested Exception. There are no practical difficulties or hardships which are created by adherence to the Specific Plan requirements. These requirements are applicable to all properties within the SUD. No hardship or special circumstances related to the subject property have been identified which would support the granting of said Exception.

- d. *The granting of the exception will be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

Granting the requested Exception would be detrimental to the public welfare and injurious to property and improvements adjacent to and within the vicinity of the subject property in that it would set a precedent allowing for the development of signage which does not follow the guidelines indicated in the SUD. Additionally, a supergraphic sign on a heavy traffic street such as Sunset Boulevard would increase traffic hazards and safety of the vehicle drivers.

- e. *The granting of the exception is not consistent with the principals, intent, and goals of the Specific Plan.*

The Hollywood Signage SUD does not permit supergraphic signage to be located on adjacent building facades, but instead indicates Supergraphic Signs must be located on opposite walls of the building and cannot be viewed at the same time from any location. Placing Supergraphic Signs on adjacent building walls contribute to "visual clutter", and would be visible to both east and west bound traffic. The Supergraphic Sign location on the south façade also negatively impacts a historic resource, the Peerless Motor Company Building. Finally, the Supergraphic Sign location negatively impacts street views in that two Supergraphic Signs may be visible from one location.

14. The Transportation Element of the General Plan will be affected by the recommended action herein. However, any necessary dedication and/or improvement of adjoining streets will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.

15. The Sewerage Facilities Element of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
16. Environmental. Pursuant to the California Environmental Quality Act ("CEQA," Public Resources Code Section 21000 et seq.), the Community Redevelopment Agency ("Agency") has acted as the lead agency for the approval of the Sunset Gordon Mixed-Use Project (the "Project") on the site and, in that connection, prepared and certified a Final Environmental Impact Report under CEQA to analyze the potentially significant environmental impacts of the Project. The Agency, acting as lead agency, distributed a Notice of Preparation of the Environmental Impact Report ("EIR") for the Project to the State Clearinghouse, Office of Planning and Research, responsible agencies and other interested parties for their review during the period of November 28, 2006 to January 8, 2007. The Agency prepared a Draft Environmental Impact Report ("Draft EIR") for the proposed Project, which was circulated from June 20, 2007 to August 3, 2007, pursuant to CEQA and the State CEQA Guidelines (14 Code of Regulations 15000 et seq., "CEQA Guidelines") and Agency Guidelines [CRA Guidelines for the Implementation of CEQA] adopted pursuant thereto.

On June 20, 2007, and soon thereafter, the Agency provided public notice of the availability of the Draft EIR by the Internet, newspapers and direct mailing. During the public review period, a duly noticed public hearing on the Draft EIR for the Sunset and Gordon Mixed-Use Project was held by the Agency Board of Commissioners on August 2, 2007.

Upon the close of the public review period, written responses were prepared to comments received on the Draft EIR, and those comments and responses, together with a list of persons commenting, were included within a Final EIR prepared pursuant to said statutes and guidelines for the Project.

The Final Environmental Impact Report for the Sunset and Gordon Mixed-Use Project ("Final EIR") was prepared pursuant to CEQA and the State and Agency CEQA Guidelines, which included the Draft EIR and additions and corrections and written responses to the verbal and written comments made at the public hearing and during the CEQA review period. Subsequent to the completion of the Final EIR, a modification to the proposed signage program was requested by Agency staff so that one of the two supergraphic signs could be relocated from the west side of the building to the south side of the building. Therefore, an environmental analysis was prepared to determine whether this change created any new adverse significant impacts. The conclusion was that no new adverse significant impacts would occur and an Erratum to the Final EIR was prepared. On October 18, 2007, the Agency adopted Resolution No. 7094 that certified that the Final EIR was completed in compliance with CEQA and the CEQA and Agency Guidelines, that the information contained in the Final EIR and the Erratum to the Final EIR has been reviewed and considered by the Commissioners of the Agency prior to considering the proposed Project, and that the Final EIR and the Erratum to the Final EIR reflects the independent judgment and analysis of the Agency. The Agency thereafter adopted Resolution No. 7095 approving CEQA findings for the approval of the Sunset Gordon Mixed-Use Project, a statement of overriding considerations, and a mitigation monitoring and reporting program. The Agency's actions were approved by the City Council on December 14, 2007.

An Addendum to the Final EIR was prepared in February 2008 to address potential issues associated with additional zoning and entitlement approvals being sought in City Planning Case No. CPC-2007-515-GPA-ZC-HD-CU-PAB-ZV-ZAA-SPR-SPE-SPP to address the split residential/commercial zoning of the site, a modification of Mitigation Measure MM-IV-F-5.1 regarding HVAC units, and a modification of the proposal for Zip and/or Flex Cars. The

Addendum analyzed whether these additional approvals and modifications related to the Project could result in any of the circumstances requiring that a subsequent or supplemental EIR be prepared under CEQA Guidelines Section 15162.

The City Planning Commission is a responsible agency under the CEQA Guidelines and is required to make findings as required by CEQA with respect to its approval of the Project. The City Planning Commission has reviewed and considered the information contained in the Final EIR, including the Erratum and Addendum to the Final EIR for the Project and other documents in the record with respect to the Project and certifies that its decision on the Project reflects its independent judgment. The City Planning Commission further determines that:

- it has considered, pursuant to CEQA Guidelines Section 15096, all relevant evidence in the record, including but not limited to the Final EIR, the Erratum to the Final EIR, the Addendum, and the Agency's determinations and findings in Resolutions Nos. 7094 and 7095 (collectively the "CEQA Documents");
- based on substantial evidence in the record, no subsequent or supplemental EIR is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163;
- it has considered the environmental effects of the Project as set forth in the CEQA Documents, pursuant to CEQA Guidelines Section 15096(f) and readopts, as its own findings, the CEQA findings adopted by the Agency Board, except for the approval of the south facing Supergraphic sign, and reduction of parking in excess of 10%, each of which are incorporated by reference herein;
- it finds, pursuant to CEQA Guidelines Section 15091(a)(1) that changes and alterations have been required by the Agency and incorporated into the Project which avoid or substantially lessen the significant environmental effects as identified in the CEQA Documents;
- it finds, pursuant to CEQA Guidelines Section 15093, that certain economic, legal, social, technological or other benefits of the Project, as set forth below, outweigh the unavoidable adverse environmental effects, all of which are identified in the CEQA Documents;
- it finds, pursuant to CEQA Guidelines Section 15096(g)(2), that there are no feasible alternatives or feasible mitigation measures (other than those already imposed by the Agency and identified in the CEQA Documents) that would substantially lessen or avoid any significant environmental effect of the Project as identified in the CEQA Documents; and
- it hereby finds that the CEQA Documents are adequate under CEQA for approval of the Project.

#### Statement of Overriding Considerations

The proposed Sunset and Gordon Mixed-Use Project will result in significant unavoidable impacts, for which alternatives and mitigation measures to reduce the impacts to insignificant levels are not available or feasible for the reasons described in the Final EIR, in the following environmental impact or issue area(s): shade and shadow, construction related noise and vibration, and ambient noise exposure above land use/noise compatibility standards for multi-family residential uses. Despite these significant impacts which have not been mitigated to below a level of significance, the Planning Commission has balanced the benefits of the Project against the unavoidable significant environmental effects as described in the CEQA Documents and makes the following Statement of Overriding Consideration that the Project will result in the following substantial community benefits, including economic, legal, social, technological, or other benefits, that outweigh and render acceptable the significant effects on the environment that cannot be mitigated to a level less than significant. Specifically such benefits include but are not limited to the following:

- Promotes housing choices by providing workforce housing options

- Preserves and increases employment with the creation of new commercial and creative office targeted at the entertainment community
- Promotes a balanced community by providing a mix of land uses including commercial residential, and open space
- Provides a public park of approximately 21,500 square-feet
- Promotes rehabilitation and restoration by preserving key elements of the Peerless Auto Showroom/Old Spaghetti Factory, a vintage 1294 building
- Improves the quality of the environment by constructing to a Leadership on Environment and Energy Design ("LEED") Gold Standard
- Provides temporary construction-related employment opportunities using all union labor with a local area hiring program in place.

The City Planning Commission hereby concurs in and adopts as its own the findings and statements of overriding considerations made by the Agency as set forth in Resolution No. 7095, which are incorporated herein by this reference, and concurs in and adopts the Mitigation Monitoring and Reporting Program for the Project as approved by the Agency.

The record of the proceedings upon which this decision is based is located in the City Clerk's Office, Room 360 City Hall, 200 North Spring Street, Los Angeles, California 90012, and in the offices of the Agency located at 354 South Spring Street, Suite 800, Los Angeles, California 90013.

## **PUBLIC HEARING AND COMMUNICATIONS**

### **Summary of Public Hearing Testimony and Communications Received**

A joint Public Hearing with the Advisory Agency on this matter was held at Los Angeles City Hall, 200 North Spring Street, 10<sup>th</sup> Floor Hearing Room, Los Angeles, CA 90012 on Wednesday, October 24, 2007. The Hearing was attended by the applicant, a representative from Council District 13. Nine spoke in favor of the project including the LA Neighborhood Land Trust, non-profit, two from unions, Chamber of Commerce, Neighborhood Council, Council Office, and Mayor's Office. A member of the La Mirada Avenue Neighborhood Association spoke in opposition, and also submitted a letter to that effect. The Neighborhood Council supports the project except for the reduced parking.

A member of the La Mirada Avenue Neighborhood Association submitted an opposition letter to the City file on November 19, 2007. The letter noted the primary objections to the project were the significant discretionary requests, public subsidies, and the lack of legal justification for the entitlements. Further, that the project would set a precedent in changes to the area's established zoning limitations, and that the variances, zone and height district changes may result in significant impacts to the community, including increased street parking demands that result from greater residential density and the impact that underparking the development would mean to the community. The letter also stated that the rigorous findings to support the variances have not been made and sites as an example the case of *Stolman v. City of Los Angeles*. In conclusion, the letter requests the Department of City Planning to recognize the negative impacts associated with this and similar projects that are inconsistent with the community's land use and planning.

A response to this letter has been prepared by the applicant and is attached as Exhibit F.