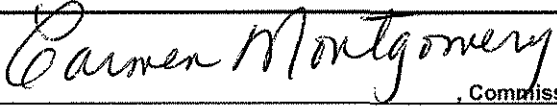



CORRECTED TRANSMITTAL TO CITY COUNCIL

| | | |
|---|--|--------------------------------|
| Case No.(s) | Planning Staff Name(s) and Contact No. | C.D. No. |
| APCC-2008-3526-SPE-SPP | Craig Weber (213) 978-1213 | 13 |
| Items Appealable to Council: | | Last Day to Appeal: |
| Specific Plan Exception (SPE) and Project Permit Compliance (SPP) | | 5/19/09 |
| Appealed: | | |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | | |
| Location of Project (Include project titles, if any.) | | |
| 1614-1736 Argyle Avenue; 6139-6240 W. Hollywood Blvd; 6140-6158 W. Carlos Ave; 1631-1649 N. El Centro Ave; and 1615-1631 Vista Del Mar Ave. | | |
| Name(s), Applicant / Representative, Address, and Phone Number. | | |
| Clarett Hollywood, LLC. Frank Stephan 1901 Avenue of the Stars, Suite 1465 Los Angeles, CA 90067 (310) 807-8405 | Jeffer, Mangels, Butler & Marmaro Sheri Bonstelle 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 (310) 712-6847 | |
| Name(s), Appellant / Representative, Address, and Phone Number. | | |
| Regency Outdoor Advertising Brian Kennedy 8820 West Sunset Blvd. West Hollywood, CA 90069 (310) 657-8883 | Manatt Phelps & Phillips, LLP Ronald Turovsky 11355 W. Olympic Blvd. Los Angeles, CA 90064 (310) 312-4249 | |
| Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.) | | |
| <p>1. Approved the requested Specific Plan Exceptions from Section 7.M 2 of the Hollywood Signage Supplemental Use District (SUD) to allow more than two Supergraphic Signs on one building that are not located on opposite walls of the building and may be viewed at the same time from the same location; from Section 7.M 2 of the Hollywood Signage Supplemental Use District (SUD) to allow other signage on a face that contains a Supergraphics Sign; and from Section 5F of the Hollywood Signage Supplemental Use District (SUD) to allow more sign area that the permitted combined sign area.</p> <p>2. Approved the requested Specific Plan Project Permit Compliance Review.</p> | | |
| Fiscal Impact Statement <small>*Determination states administrative costs are recovered through fees.</small> | Environmental No. ENV-2005-7118-EIR | Commission Vote: 4-0 |
|  , Commission Executive Assistant | | Date: 6-26-09 |

TRANSMITTAL TO CITY COUNCIL

| | | |
|--|--|----------------------------|
| Case No.(s) | Planning Staff Name(s) and Contact No. | C.D. No. |
| APCC-2008-3526-SPE-SPP | Craig Weber (213) 978-1213 | 13 |
| Items Appealable to Council: | | Last Day to Appeal: |
| Specific Plan Exception (SPE) and Project Permit Compliance (SPP) | | 5/19/09 |
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| Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.) | | |
| <p>Approval of a Sign Plan for a previously approved mixed use project known as Blvd6200. The purpose Sign Plan for the mixed-use project contains a total of approximately 10,487 square feet of advertising signs and approximately 6,564 square feet of tenant, parking identification and monument signage.</p> | | |
| Fiscal Impact Statement | Environmental No. | Commission Vote: |
| <small>*Determination states administrative costs are recovered through fees.</small> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | ENV-2005-7118-EIR | 4-0 |

| | |
|---|-------------------|
|  _____, Commission Executive Assistant | Date: JUN 12 2009 |
|---|-------------------|

CITY OF LOS ANGELES
PLANNING DEPARTMENT

MASTER APPEAL FORM

APPEAL TO THE: City CouncilREGARDING CASE NO.: APCC-2008-3526-SPE-SPP

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. **A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.**

APPELLANT INFORMATION: PLEASE PRINT CLEARLYName Brian Kennedy, Regency Outdoor AdvertisingMailing Address 8820 West Sunset Blvd.West Hollywood, CA Zip: 90069Work Phone: (310) 657-8883 Home Phone: ()

- a) Are you or do you represent the original applicant?
(Circle One) YES ☐ NO ☒
- b) Are you filing to support the original applicant's position?
(Circle One) YES ☐ NO ☒
- c) Are you filing for yourself or on behalf of other parties, an organization or company?
(Circle One) SELF ☐ OTHER ☒
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)
Regency Outdoor Advertising

REPRESENTATIVE

Name Ron TurovskyMailing Address Manatt Phelps & Phillips, LLP11355 West Olympic Blvd.Los Angeles, CA Zip 90064Work Phone: (310) 312-4249 Home Phone : () **APPEAL INFORMATION**

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

Final Date to Appeal: May 19, 2009

REASONS FOR APPEALING

Are you appealing the entire decision or parts of it?

☒ Entire ☐ Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

See attached.

ADDITIONAL INFORMATION

- Original receipt required to calculate 85% filing fee from original applicants.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. **A copy of the determination/decision letter is required.**
- Acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- **Seven copies and the original appeal are required.**

I certify that the statements contained in this application are complete and true:

Appellant

Francisco

OFFICIAL USE ONLY

Receipt No.

277196

Amount

104

Date

5/18/09

Application Received

LISA S.

Cooley

Application Deemed Complete

Ralph Avila

Copies provided:

☒ Determination

☐ Receipt (original applicant only)

Determination Authority Notified (if necessary)

☒

APPEAL OF CASE NO. APCC-2008-3526-SPE-SPP

I. INTRODUCTION.

Regency Outdoor Advertising, Inc. ("Regency") appeals to the Los Angeles City Council the April 28, 2009, decision (the "Decision") of the Central Area Planning Commission (the "APC"), approving Specific Plan Exceptions and Specific Plan Project Permit Compliance Review, requested by Clarett Hollywood, LLC/Frank Stephan (the "Applicant"), as delineated in the Determination Letter dated May 4, 2009 (the "Determination"). The subject matter of the Decision and the Determination is seven supergraphic displays that are 10,487 square feet in size. The Determination is predicated on the following statement: "Following the removal of existing billboards and pole signs located on the project site, the project draws upon a banked Supergraphic sign credit of 12,655 square feet." Determination at 7. In other words, the Applicant is using supposedly "banked" Supergraphic credits in order to erect 7 supergraphic signs on a project that it is trying to develop, and this Determination approves Specific Plan Exceptions and approves Specific Plan Project Permit Compliance Review for these 7 supergraphics that the Applicant may erect in the future if the development ever is constructed.

Regency appeals the Decision and Determination for the fundamental reason that the project purports to "draw upon" credits that lawfully belong to Regency, not the Applicant. Of the 12,655 square feet of so-called "banked Supergraphic sign credit" upon which the Determination is predicated, 12,096 square feet of those sign credits lawfully belong to Regency, not to the Applicant. (It is also untrue that the Supergraphic sign credits are "banked.") Regency applied for a program in order to obtain these credits, and was improperly denied the program and the credits. No further actions of any kind should be taken based upon credits that lawfully belong to Regency, and thus this appeal should be granted.

For the reasons stated above, the project is in violation of §11.5.7.C.2 of the Los Angeles Municipal Code because the project does not satisfy the conditions of the Hollywood Signage District Supplemental Use District (Ordinance No. 176,172) (the "Ordinance" or the "SUD"). The Ordinance requires that supergraphic credits be apportioned to the owner of the removed billboards, but this has not been done. Since §11.5.7.C.2 requires that the project comply with the SUD, and the project does not comply with the SUD, the Determination should be overturned and this appeal granted.

II. BACKGROUND.

The SUD contains a sign reduction program whereby billboard owners are encouraged to remove their billboards in the SUD in exchange for credits toward displaying supergraphics or other signage in the SUD. Ordinance at §9. Under the SUD, in order to erect a supergraphic sign, the applicant must participate in a sign reduction program. *Id.* at §7.M. The Ordinance states that the credits "shall be apportioned" to the billboard owner (not the landowner) according to the square footage of sign faces owned and removed (*id.* at 9B), and requires the application to show ownership of the signs to be removed (*id.* at 9C1.)

At all times pertinent, Regency was the owner of six billboard signs (three double-sided billboard structures) located at 6141-6153, 6201, and 6240 Hollywood Boulevard.

The six signs are located on land leased by the Applicant. Each of Regency's three leases states the following:

It is agreed between the parties that Lessee [Regency] shall remain the owner of all advertising signs, structures, and improvements erected or made by Lessee [Regency], and that notwithstanding the fact that, the same constitute real estate fixtures, Lessee [Regency] shall have the right to remove said signs, structures, and improvements at any time during the term of this Lease, or upon the expiration of this Lease. Property tax for Lessee's [Regency's] sign shall be Lessee's [Regency's] sole expense.

On September 26, 2008, Regency filed an application for a Sign Reduction Program with the City of Los Angeles for the six billboard signs. This application was accepted by the Planning Department and was complete in all respects. Regency intended to establish the program, remove the six signs, and utilize the credits in the future to display supergraphics in the SUD. Regency met the requirements of the SUD that should have allowed it to establish the program and the credits. Among other things, Regency provided proof of ownership of the signs.

Regency's application, however, was wrongfully denied by the Planning Director. The Planning Department had already established a program for these same signs for the potential benefit of the Applicant, even though the Applicant is not the owner of the billboards and is only the lessee of the land. Regency was not notified of the Applicant's earlier application for the sign reduction program and was not aware that the program had been granted, despite the fact that Regency's signs are on the subject properties. The sole basis of the Regency denial was the fact that the previous program had been established for the potential benefit of the Applicant and that the City would not grant two sets of credits.

Regency appealed the denial to the APC. During this phase, the Planning Department changed the reason for the denial and asserted for the first time that the credits belong to the owner of the land, not to the billboard owner, despite the clear language in the Ordinance to the contrary and despite previous Planning decisions giving the credits to billboard owners. Likewise, the Applicant in this matter also opposed Regency's appeal; the Applicant asserted that the credits belong to the landowner, but also asserted without basis that the Applicant, not Regency, owns the billboards. The APC denied Regency's appeal, on the stated ground that there was a dispute over who owned the billboards and/or the rights to the credits, that it was not the province of the APC to sort out that dispute, and that it would be necessary for the courts to do so.¹

¹ At the next regular meeting of the APC, two of the three commissioners who voted to deny Regency's appeal (the third was not present) indicated their desire to reconsider the APC's Decision. One commissioner moved for reconsideration and another seconded the motion. Planning Staff attempted to thwart this by asserting incorrectly that the APC no longer had jurisdiction to reconsider the matter. A deputy from Councilmember Garcetti's office, Noel Hyun, then joined in the effort to thwart reconsideration. She urged the APC not to reconsider, asserted that the APC lacked jurisdiction, and created further confusion over ownership of the billboards, all with an eye to preventing reconsideration. She further stated that, rather than proceeding to reconsider the matter, she would speak

On April 28, 2009, the above matter was heard by the APC. The APC approved the application, over Regency's objections. The Determination was mailed on May 4, 2009.

III. GROUNDS FOR APPEAL.

A. The Application is Based Upon Credits that Belong to Regency.

As noted, Regency appeals the Determination because it is based upon credits that belong to Regency. As noted, the Determination states that the "project draws upon a banked Supergraphic sign credit of 12,655 square feet."

Of the 12,655 square feet of so-called "banked" sign credits, however, 12,096 square feet belong to Regency. 12,096 square feet of the so-called banked sign credits relate to the three billboards and six sign faces owned by Regency.

Under the Ordinance, which states that the credits "shall be apportioned" to the billboard owners according to the square footage of sign faces owned and removed, the credits should have been apportioned to Regency as the owner of the billboards. To the extent the Applicant or the City is attempting to take any further steps in any way to utilize credits relating to the billboards that are owned by Regency – credits that under the law belong to Regency – Regency opposes that attempt. The appeal should be granted and the Determination overturned.

B. Municipal Code Section 11.5.7.C.2. Has Not Been Satisfied.

For the reasons stated above, Regency's appeal should be granted because §11.5.7.C.2 of the Los Angeles Municipal Code cannot be satisfied. The project does not satisfy the provisions of the SUD.

Municipal Code §11.5.7.C.2 requires that a project comply with the applicable provisions of the specific plan. The section states that "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, findings, standards and provisions of the specific plan".

Here, the Determination contains a written finding that the project satisfies the provisions of the SUD. Findings at 1. This has been done in order to make it appear that the Determination complies with §11.5.7.C.2 of the Los Angeles Municipal Code.

In reality, however, the written finding is erroneous and §11.5.7.C.2 is not and cannot be satisfied. The Determination does not comply with provisions of the SUD. As noted, the Ordinance requires that the credits be apportioned to the billboard owner according to the square footage of signs owned by them. This has not been followed. Here, the credits have not been allocated to the owner of the billboards -- Regency. The project does not comply with the

to a Deputy City Attorney and if appropriate utilize the power of the Council under Charter Section 245 to have the matter heard and considered by the full City Council. On the basis of that representation, the motion to reconsider was withdrawn. Regency objects to the deprivation of Regency's opportunity for reconsideration by the Planning Department and in particular Ms. Hyun.

applicable specific plan. The only way that there could be compliance with the SUD is for the credits to be apportioned to Regency, as the owner of the sign faces. The Director cannot grant a Project Permit Compliance as a result, and this appeal should be granted under §11.5.7.C.2.

IV. CONCLUSION.

The City Council should grant Regency's appeal and overturn the Decision of the APC as contained in the Determination. Regency reserves the right to supplement the appeal.

41392929.3



CENTRAL LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.lacity.org/PLN/index.htm

Determination Mailing Date: MAY 04 2009

CASE NO. APCC-2008-3526-SPE-SPP

Location: 1614-1736 Argyle Avenue. 6139-6240 W. Hollywood Blvd; 6140-6158 W. Carlos Ave; 1631-1649 N. El Centro Ave; and 1615-1631 Vista Del Mar Ave.

Applicant: Clarret Hollywood, LLC./Frank Stephan
Representative: Jeffer, Mangels, Butler & Marmaro/Sheri Bonstelle

Council District: 13
Plan Area: Hollywood
Request(s): Specific Plan Project Permit Compliance, Specific Plan Exception

At its meeting on April 28, 2009, the following action was taken by the Central Los Angeles Area Planning Commission:

1. **Approved** the requested Specific Plan Exceptions from Section 7.M 2 of the Hollywood Signage Supplemental Use District (SUD) to allow more than two Supergraphic Signs on one building that are not located on opposite walls of the building and may be viewed at the same time from the same location; from Section 7.M 2 of the Hollywood Signage Supplemental Use District (SUD) to allow other signage on a face that contains a Supergraphics Sign; and from Section 5F of the Hollywood Signage Supplemental Use District (SUD) to allow more sign area than the permitted combined sign area.
2. **Approved** the requested Specific Plan Project Permit Compliance Review.
3. **Found** that the previously certified Environmental Impact Report adequately describes the Project and its environmental effects and that the approval of this Project will result in no new environmental effects beyond the scope of the previously analyzed in the EIR as certified by the City Council in its adoption on July 31, 2007.
4. **Adopted** the attached Findings.
5. **Advised** 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.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: White
Seconded: Acevedo
Ayes: Martorell, Viramontes
Absent: Kim

Vote: 4-0


Carmen Montgomery, Commission Executive Assistant I
Central Los Angeles Area Planning Commission

Effective Date / Appeals: The Commission's determination on the Specific Plan Exception and Project Permit Compliance will be final 15 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

Final Appeal Date MAY 19 2009

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachments: Findings, Conditions
City Planner: Craig Weber

CONDITIONS OF APPROVAL

HOLLYWOOD SIGNAGE SUD CONDITIONS

1. **Sign Area:**

- a. ***Supergraphic Signs:*** The project shall include no more than seven Supergraphic Signs comprising a total of 10,487 square feet. Such signs are labeled A, B, C, D, E, F and H on the approved site plan. Respective Supergraphic Signs shall be limited in area and dimension as follows: Sign A – 46' x 42' and 1,932 square feet; Sign B – 24' x 54' and 1,296 square feet; Sign C – 30' x 40' and 1,200 square feet; Sign D – 26' x 60' and 1,560 square feet; Sign E – 38' x 52' and 1,976 square feet; Sign F – 49' x 27' and 1,323 square feet; and Sign H – 25' x 48' and 1,200 square feet.
- b. ***Tenant, Building Identification, and Parking/Way-finding Signs:*** The project shall include no more than 6,564 square feet of Tenant, Building Identification, and Parking/Way-finding Signs. Such signs shall be limited to architectural canopy signs, architectural ledge signs, information signs, marquee signs, pedestrian signs, pillar signs, projecting signs, wall signs and window signs (except that seven projecting or "blade" signs may be included). Individual sign area shall not exceed those dimensions indicated on the approved sign plan, attached to the case file and labeled "Exhibit A."

2. **Sign Locations:** The placement of all signs associated with the project shall substantially comply with the approved sign plan, attached to the case file and labeled "Exhibit A."

3. **Prohibited Signs:** The following sign types, as defined by Ordinance 176,172 shall at no time be permitted at the project site unless approved as part of a subsequent application pursuant to Section 6 of the Hollywood Signage Supplemental Use District: Billboards, Can Signs, Captive Balloon Signs, High-Rise Sign, Illuminated Architectural Canopy Signs, Pole Signs, Sandwich Board Signs, Signs for which a permit is required on Vacant Property, Signs covering window exteriors, except as Window Signs pursuant to Section 7 of this Ordinance, Solid Panel Roof Signs, Skyline / Logo Sign, Temporary Special Displays, Inflatable Devices and Electronic Message Displays

4. **Area Verification:** The sign area of the proposed Signs shall be measured in accordance with the LAMC sign ordinance regulations, as determined by the Department of Building and Safety or as permitted herein.

5. **Sign Materials:** All sign materials shall be approved by the Department of Building and Safety. Supergraphic Sign materials shall be approved by Fire Department

6. **Sign Mounting:** All mounting procedures shall be to the satisfaction of the Department of Building and Safety.

7. **Supergraphic Sign Credit:** No building permits for the installation of a single Supergraphic Sign shall be issued until appropriate demolition permits have been issued and photographic evidence submitted to the Department of City Planning indicating that all of the 13 signs identified by the sign reduction credit (DIR-2007-5881-SPP) have been removed. The applicant shall comply fully with the Conditions of Approval set forth in case DIR2007-5881-SPP.

8. **Lighting:**

- a. Project lighting shall be directed onto the site, and all lighting shall be shielded from adjacent roadways and off-site properties.
- b. Atmospheric light pollution shall be minimized by utilizing lighting fixtures that cut off light directed to the sky.

ADMINISTRATIVE CONDITIONS

9. **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.
10. **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.
11. **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.
12. **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.
13. **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.
14. **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.
15. **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 pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
16. **Indemnification.** The applicant shall defend, indemnify 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.

FINDINGS

1. GENERAL PLAN

The project site is within the Hollywood Community Plan, and is designated for Regional Center Commercial uses with a corresponding [T][Q]C4-2D-SN, with one single parcel of the project site designated for Medium Residential use with a corresponding [Q]R3-1XL zone (no signs are proposed for the single residential parcel). The project consists of supergraphic signs and tenant, building identification and parking/way-finding signs, and is consistent with the Hollywood Community Plan.

The project is also within the Hollywood Signage District Supplemental Use District (SUD). The SUD is an implementation tool of the Hollywood Community Plan and is intended to facilitate the placement of signage that is consistent with the character of the Hollywood community—where signage has long been an integral part of architecture. The erection of any sign within the SUD requires the granting of a Specific Plan Project Permit Compliance Review (SPP). The findings for an SPP are made below.

2. SPECIFIC PLAN PROJECT PERMIT COMPLIANCE REVIEW FINDINGS

Pursuant to Section 11.5.7 C.2 of the LAMC, and as conditioned, the project satisfies the provisions of the Hollywood Signage District Supplemental Use District (Ordinance No. 176,172) except for those provisions noted below wherein the applicant has requested a Specific Plan Exception, pursuant to Section 11.5.7 F of the LAMC. Findings for the granting of a Specific Plan Exception are found in Section 3 of this document. The provisions of the SUD Ordinance require that projects be found in compliance with Section 6.F of that ordinance.

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 project consists of seven supergraphic signs, 14 parking/way-finding signs, 61 tenant signs and 42 building identification signs. Nearly all parking, tenant and identification signs are proposed for location between the ground floor and second level along an architecturally defined signage raceway. Most individual tenant signs range from 12-14 feet in length and 2-3 feet in width and most identification and parking signs are similar in scale. One tenant sign and two parking signs are proposed as projecting (blade) signs that would extend vertically to the third level of the buildings and are consistent with other similar project signs found along Hollywood Boulevard. As proposed, the signage is orderly, of a size that is appropriate for a commercial mixed-use structure and helps to define the ground level of the project as commercial destination.

The seven supergraphics proposed for the project are all proposed for location on elevations that front, or are perpendicular to and adjacent to Hollywood Boulevard. All seven signs are proposed to be viewed by passers by along Hollywood Boulevard. The signs are proposed for location above the ground floor and generally extend to the fifth and sixth level of the buildings upon which they are to be mounted (ranging from approximately 40-60 feet in height). The scale of the proposed supergraphics is appropriate relative to the size of the underlying structures and does not dominate views of the structure.

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

The project consists of seven supergraphic signs, 14 parking/way-finding signs, 61 tenant signs and 42 building identification signs. Nearly all parking, tenant and identification signs are proposed for location between the ground floor and second level along an architecturally defined signage raceway.

One tenant sign and two parking signs are proposed as projecting (blade) signs that would extend vertically to the third level of the buildings and are consistent with other similar project signs found along Hollywood Boulevard. As proposed, the signage is orderly, of a size that is appropriate for a commercial mixed-use structure and helps to define the ground level of the project as commercial destination.

The seven supergraphics proposed for the project are all proposed for location on elevations that front, or are perpendicular to and adjacent to Hollywood Boulevard. All seven signs are proposed to be viewed by passers by along Hollywood Boulevard. The signs are proposed for location above the ground floor and generally extend to the fifth and sixth level of the buildings upon which they are to be mounted. The proposed structures use simple rectilinear forms and offer a high level of façade articulation, thus establishing a clear pattern of fenestration and blank space. Consequently, the elevations accommodate the proposed signs with ease, as the signs are also rectilinear and accentuate the articulation pattern established by the fenestration and blank space.

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

Nearly all tenant, identification and parking signs are of similar scale and are proposed for location along the ground-floor signage raceway. The signs will be located with a high level of consistency from sign-to-sign and, because the SUD prohibits various sign-types associated with clutter, will be similar in appearance. The proposed supergraphics will be uniformly located at Hollywood Boulevard-facing locations, will be similar in scale and will establish a clear pattern along the street resulting in an uncluttered appearance.

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

All proposed signs would be located directly upon building facades. No individual signs would have the capacity to obscure views of important buildings, other important signage, the Hollywood Hills or the Hollywood Sign.

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

The currently effective Hollywood Signage SUD indicates that the maximum permitted combined sign area for all signs (architectural ledge signs, awning signs, electronic message display signs, illuminated architectural canopy signs, information signs, marquee signs, monument signs, pedestrian signs, pillar signs, pole signs, projecting signs, wall signs and window signs) located on a lot is four square feet of sign area for every one foot of street frontage. Proposed changes to the SUD Ordinance (approved by the City Planning Commission and City Council Planning and Land Use Management Committee) would allow only two square feet of sign area for every one foot of street frontage.

The combined street frontage for the project is 2,363.5 linear feet, which would allow a total of 9,454 square feet of combined sign area. The applicant has proposed to install 6,564 square feet of tenant signs, building identification signs and parking/way-finding signs, which is less than the currently effective maximum for such signs.

More specifically, the north block of the project has 1,014.4 linear feet of street frontage (Argyle, Carlos and Hollywood), which would allow for 4,057 square feet of combined sign area. The applicant has proposed only 3,363 square feet, which is 694 square feet less than the currently effective SUD Ordinance would allow. The south block of the project has 1,349 linear feet of street

frontage (Argyle, Hollywood, El Centro, Vista Del Mar), which would allow for 5,396 square feet of combined sign area. The applicant has proposed only 3,201 square feet, which is 2,194 square feet less than the currently effective SUD Ordinance would allow. Should the proposed changes to the Hollywood SUD Ordinance become effective the north block would only allow 2,208.8 square feet of signage (causing the project to be over by 1,334.2 square feet), and the south block would only allow 2,698 square feet of signage (causing the project to be over by 503 square feet). Based upon the proposed changes to the SUD Ordinance, the project would exceed the combined sign area allowed by 1,837 square feet.

In the event that the proposed changes to the SUD Ordinance become effective prior to the granting of a Specific Plan Project Permit the project would require the granting of a Specific Plan Exception to allow the additional signage area. Findings for the granting of such an exception have been made below.

3. SPECIFIC PLAN EXCEPTION FINDINGS

- a. **Strict application of the regulations of the Hollywood Signage Supplemental Use District to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the District.**

Section 7.M.2(d) to allow the number of Supergraphic signs per building to exceed the otherwise permitted maximum of two Supergraphic signs per building.

The Hollywood Signage SUD permits only two supergraphics per buildings and stipulates that such signs must not be simultaneously visible. The provision prevents individual buildings from being overwhelmed by Supergraphic signs, minimizes visual sign clutter and allows for a balance between views of signs and views of building architecture.

Though the project, a massive mixed-use development, consists of two distinct buildings—one on the north side of Hollywood Boulevard and one on the south side of Hollywood Boulevard—the design of the project is such that it appears to be eight distinct towers. The distinct towers are located upon a unified podium and subterranean parking structure, nevertheless, to passers by they will appear to be separate buildings. The project has been designed in this manner to achieve façade articulation that is consistent with the existing development pattern along Hollywood Boulevard. Essentially, the development of the project into distinct towers minimizes the perception of mass that would be associated with the buildings. The strict application of provision 7.M.2(d) would not allow the applicant to provide Supergraphic signs on various facades that would normally be allowed were the project of a smaller scale or consisting of various smaller buildings not unified by a podium. Additionally, the proposed seven Supergraphic signs range in size from 1,200 square feet to 1,976 square feet and are integrated into the building architecture. Strict adherence to provision 7.M.2(d) could instead encourage the location of four larger Supergraphic signs at the easterly and westerly most portions of the proposed development. Larger Supergraphic signs would be more difficult to integrate into the building architecture and would be inconsistent with the SUD goal of minimizing visual sign clutter.

Section 7M.2(b) to permit Supergraphic signage on the same façade as other signage types in lieu of the restriction that a façade containing a Supergraphic sign may contain no other signage.

The currently effective Hollywood Signage SUD Ordinance does not allow Supergraphic signs to share a building façade with other types of signage. Proposed changes to the SUD Ordinance, approved by the City Planning Commission and the City Council Planning and Land Use Management Committee would omit provision 7.M.2(b) from the ordinance should the change be approved by the City Council. The intent of the provision is to minimize the visual sign clutter that

could be associated with various signs sharing a single façade.

However, the subject signs are proposed for location on a mixed-use structure that has been designed to provide commercial/retail and live/work uses at the ground floor of most building facades.

The project has been designed to activate the pedestrian realm and provide needed commercial uses within a vital commercial district. Consequently, there are no facades wherein a Supergraphic sign could be located without needed tenant and building identification signs. Strict adherence to section 7.M.2(b) would therefore cause a hardship wherein the project would be penalized for being a mixed use project and would not enjoy the signage rights generally afforded to more traditional building types.

Section 5.F to allow more than two square feet of signage per linear foot of street frontage

The currently effective Hollywood Signage SUD Ordinance allows four square feet of combined sign area (specifically for architectural canopy signs, information signs, marquee signs, monument signs, pedestrian signs, pillar signs, pole signs, projecting signs, wall signs and window signs) for every linear foot of street frontage. Furthermore, the currently approved provisions allow for an aggregate measurement of street frontage so that sign square-footage need not correspond directly to a particular street frontage. Changes to the SUD Ordinance that have been approved by the City Planning Commission and the City Council Planning and Land Use Management Committee would reduce the allowed square footage for combined sign area to two square feet and would require that particular sign area pertain to a particular street frontage. In the event that the proposed changes should become effective prior to the granting of a specific plan project permit an Exception to the revised section 5.F is required.

The combined street frontage for the project is 2,363.5 linear feet, which would allow a total of 9,454 square feet of combined sign area. The applicant has proposed to install 6,564 square feet of tenant signs, building identification signs and parking/way-finding signs, which is less than the currently effective maximum for such signs.

More specifically, the north block of the project has 1,014.4 linear feet of street frontage (Argyle, Carlos and Hollywood), which would allow for 4,057 square feet of combined sign area. The applicant has proposed only 3,363 square feet, which is 694 square feet less than the currently effective SUD Ordinance would allow. The south block of the project has 1,349 linear feet of street frontage (Argyle, Hollywood, El Centro, Vista Del Mar), which would allow for 5,396 square feet of combined sign area. The applicant has proposed only 3,201 square feet, which is 2,194 square feet less than the currently effective SUD Ordinance would allow. Should the proposed changes to the Hollywood SUD Ordinance become effective the north block would only allow 2,208.8 square feet of signage (causing the project to be over by 1,334.2 square feet), and the south block would only allow 2,698 square feet of signage (causing the project to be over by 503 square feet). Based upon the proposed changes to the SUD Ordinance, the project would exceed the combined sign area allowed by 1,837 square feet.

The mixed-use project for which the subject signs are proposed has been approved by the City Planning Commission following an extensive design review process with the Council District 13 design review committee. All aspects of the project's design, including conceptual signage locations have been reviewed, and the proposed signage is highly integrated in the project's architectural design. A sudden reduction in the allowed signage area would require both a re-design of the proposed signage as well as the underlying architecture and would therefore cause a significant hardship.

- b. There are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the District.**

Section 7.M.2(d) to allow the number of Supergraphic signs per building to exceed the otherwise permitted maximum of two Supergraphic signs per building.

The project involves the placement of seven Supergraphic signs on upper building facades that are perpendicular to, and immediately adjacent to Hollywood Boulevard. More specifically, the project involves four Supergraphic signs placed along the north side of Hollywood Boulevard (two at the westerly and easterly most portions of the project and two facing a centrally located plaza that abuts the boulevard) and three Supergraphic signs placed along the south side of Hollywood Boulevard (two at the westerly and easterly most portions of the project and one facing a centrally located plaza that abuts the boulevard). The structures on which the signs are to be located consist of two separate buildings (north and south) with four distinct tower elements each. The towers are located upon a unified podium and subterranean parking level, and are therefore considered to be two buildings as opposed to eight. Consequently, pursuant to the provisions of the SUD Ordinance, the project may only utilize four Supergraphic signs, two on each building.

However, in an effort to fit in with the existing building pattern along Hollywood Boulevard, the project has been designed to provide individual towers. This strategy breaks up the building mass into modules that better represent the types and sizes of buildings that have historically been built along the boulevard, and allow the project to respond well to its context. To passers by, the project will appear to be distinct buildings, regardless of whether they are unified by a podium level. The project's unique design presents an exceptional circumstance wherein the signage potential that would be allowed to separate and smaller projects would be deprived from a larger project that is designed to appear separate and smaller.

Section 7M.2(b) to permit Supergraphic signage on the same façade as other signage types in lieu of the restriction that a façade containing a Supergraphic sign may contain no other signage.

The structures on which the proposed signs are to be located is a large-scale mixed-use development. The project provides ground-floor commercial/retail uses along Hollywood Boulevard as well as along Argyle Avenue, El Centro Avenue and two central courtyards that abut Hollywood Boulevard. The project design responds to its urban and pedestrian oriented context by providing ground-floor tenant spaces along each of these active areas. Accordingly, each of the elevations wherein commercial tenant space would be provided would also require some form of tenant and building identification signage. Additionally, the large scale of the project necessitates parking/way-finding signage on most elevations to ease both vehicular and pedestrian ingress and egress to the project site.

The large scale and mixed-use nature of the project presents an exceptional circumstance wherein there are no facades that a Supergraphic sign could successfully be located upon that donot also require some other form of tenant or parking signage. Furthermore, proposed changes to the Hollywood Signage SUD, which have been approved by the City Planning Commission and the City Council Planning and Land Use Management Committee would omit provision 7.M.2 (b) from the ordinance altogether. The intent of the provision has been to minimize visual sign clutter, however it has become apparent that well designed projects can accomplish the location of Supergraphic signs and other signs on the same façade without contributing to visual sign clutter (see Finding "d" below).

Section 5.F to allow more than two square feet of signage per linear foot of street frontage

The structures on which the proposed signs are to be located are a large-scale mixed-use development. The project requires tenant signage along the Hollywood Boulevard elevations as well as along Argyle Avenue, El Centro Avenue and along two centrally located plazas that abut Hollywood Boulevard. The project also requires various forms of building identification signage for each of the many live/work units that front Argyle Avenue, Vista Del Mar Avenue, El Centro Avenue and a private driveway as well as building identification signage for the building at large. Lastly, the large-scale development requires various forms of parking/way-finding signage; the project will

provide parking for its various commercial tenant spaces, residential inhabitants and for the near-by Pantages Theatre. Such signage is therefore essential to ease vehicular ingress to the site and minimize potential traffic impacts associated with parking and circling for parking spaces. The project complies with the existing Hollywood Signage SUD Ordinance, wherein Section 5.F allows for four square feet of combined sign area (specifically for architectural canopy signs, information signs, marquee signs, monument signs, pedestrian signs, pillar signs, pole signs, projecting signs, wall signs and window signs) per linear foot of street frontage and does not require that sign area be attributed to particular street frontages.

However, the City Planning Commission and the City Council Planning and Land Use Committee have approved changes to the Hollywood Signage SUD Ordinance that would limit combined sign area to 2 square feet per linear foot of street frontage and require that sign area pertain directly to a particular street frontage. Should the proposed changes to the SUD Ordinance become effective the north block would only allow 2,208.8 square feet of signage (causing the project to be over by 1,334.2 square feet), and the south block would only allow 2,698 square feet of signage (causing the project to be over by 503 square feet). Based upon the proposed changes to the SUD Ordinance, the project would exceed the combined sign area allowed by 1,837 square feet. However, the large scale of the project, its mixed-use design, and the fact that the project provides parking for neighboring uses presents an exceptional circumstance that does not apply to other smaller scale projects within the area.

- c. **An exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the District in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the subject property.**

Section 7.M.2(d) to allow the number of Supergraphic signs per building to exceed the otherwise permitted maximum of two Supergraphic signs per building.

The requirement that only two Supergraphic signs may be located upon a single building would, for all intents and purposes, limit the large-scale mixed-use development to having four supergraphics located at the easterly and westerly most portions of the development. The result would be less signage than would normally be allowed were the site developed by smaller individual projects and buildings. The granting of an exception acknowledges that the project, by virtue of its size, and its substantial façade articulation presents a special circumstance which warrants the granting of additional signage that is well integrated into the architectural design of the project and of a scale that is appropriate for the building and surrounding context.

Section 7.M.2(b) to permit Supergraphic signage on the same façade as other signage types in lieu of the restriction that a façade containing a Supergraphic sign may contain no other signage.

The project includes seven Supergraphic signs that would be proposed for location on facades that also have tenant, building identification and parking/way-finding signage. An exception to allow the proposed Supergraphic signs is necessary to allow the development of the mixed-use project that provides ground-floor retail on various facades. Furthermore, proposed changes to the Hollywood Signage SUD, which have been approved by the City Planning Commission and the City Council Planning and Land Use Management Committee would omit provision 7.M.2 (b) from the ordinance altogether. The intent of the provision has been to minimize visual sign clutter, however it has become apparent that well designed projects can accomplish the location of Supergraphic signs and other signs on the same façade without contributing to visual sign clutter (see Finding "d" below). The granting of an exception would be necessary to ensure that the project enjoys the same signage rights that will be afforded other similar mixed-use project following the potential efficacy of the revised SUD Ordinance.

Section 5.F to allow more than two square feet of signage per linear foot of street frontage

The large-scale mixed-use project requires a substantial amount of tenant, building identification, and parking/way-finding signage in order to effectively promote ground floor commercial/retail uses, provide needed signage for live/work dwelling units, provide an ease of automotive ingress to parking areas and appropriately identify the building as a destination within the Hollywood district. That the project includes tenant space and live/work dwelling units along Hollywood Boulevard as well as the various side streets (Argyle Avenue, El Centro Avenue, Vista Del Mar and a private drive) constitute a unique circumstance. Should proposed changes to the Hollywood Signage SUD Ordinance, which have been approved by the City Planning Commission and the City Council Planning and Land Use Management Committee become effective, those changes would inhibit the mixed-use project from effectively promoting commercial tenant space and providing needed identification and way-finding—a right generally afforded to smaller-scale development that does not provide the same scope and magnitude of uses along various street frontages.

- d. The granting of the exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.**

Section 7.M.2(d) to allow the number of Supergraphic signs per building to exceed the otherwise permitted maximum of two Supergraphic signs per building.

The project includes seven Supergraphic signs ranging in size from 1,200 square feet to 1,976 square feet. The total square footage of proposed Supergraphic signage is 10,487 square feet. Following the removal of existing billboards and pole signs located on the project site, the project draws upon a banked Supergraphic sign credit of 12,655 square feet. The project therefore involves 2,168 square feet less Supergraphic signage that could be permitted at the site. Strict adherence to Section 7.M.2(d) of the SUD Ordinance could permit four Supergraphic signs at the easterly and westerly most portions of the building that are approximately 3,164 square feet each. Such signs would be exceptionally difficult to integrate into the architecture of the building, and may have a negative visual effect on the surrounding neighborhood. The seven smaller signs proposed by the applicant would be highly integrated into the architecture of the building and would be of a scale that is far more compatible with the Hollywood Boulevard built environment. Consequently, the granting of an exception to permit the seven signs located upon four towers of two distinct buildings would not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property, and would actually provide less of an impact than would strict adherence to the provision.

Section 7M.2(b) to permit Supergraphic signage on the same façade as other signage types in lieu of the restriction that a façade containing a Supergraphic sign may contain no other signage.

The project consists of various tenant, building identification and parking/way-finding signs that are located along a unified signage raceway at the ground level and seven Supergraphic signs that are proposed for location above the ground level. All signage is highly integrated into the building architecture and, as conditioned, will be uniform, orderly and consistent with the goals of the Hollywood Signage SUD Ordinance. In the case of this project allowing Supergraphic signs to share a face with other signs will not be detrimental to the public welfare because the signs would be successfully integrated into the building architecture, would have distinct locations and would appear orderly. Furthermore, proposed changes to the Hollywood Signage SUD, which have been approved by the City Planning Commission and the City Council Planning and Land Use Management Committee would omit provision 7.M.2 (b) from the ordinance altogether. The intent of the provision has been to minimize visual sign clutter, however it has become apparent that well designed projects can accomplish the location of Supergraphic signs and other signs on the same façade without contributing to visual sign clutter by virtue of architectural integration and providing an orderly and contained sign program.

Section 5.F to allow more than two square feet of signage per linear foot of street frontage

The Hollywood Signage SUD Ordinance originally became effective on October 4, 2004. Consequently, four square feet of combined sign area per linear foot of street frontage has been allowed from late October to the present date. However, the City Planning Commission and the City Council Planning and Land Use Committee have approved changes to the Hollywood Signage SUD Ordinance that would limit combined sign area to 2 square feet per linear foot of street frontage and require that sign area pertain directly to a particular street frontage. Should the proposed changes to the SUD Ordinance become effective prior to the issuance of a Specific Plan Project Permit Compliance, the project would require the granting of a Specific Plan Exception. The north block would only allow 2,208.8 square feet of signage (causing the project to be over by 1,334.2 square feet), and the south block would only allow 2,698 squarefeet of signage (causing the project to be over by 503 square feet). Based upon the proposed changes to the SUD Ordinance, the project would exceed the combined sign area allowed by 1,837 square feet.

The granting of a Specific Plan Exception to allow the project to exceed the new combined sign area limitation by approximately 39-percent would not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property because the greater allowed combined sign area of four square feet has been in effect for nearly five years and various projects have already been developed with the greater sign area. Furthermore, all signage proposed for the project will be located within a unified signage raceway, will be of uniform sign configuration and will be highly integrated into the architectural design of the building on which they are to be located.

4. CEQA FINDING:

The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible. The Project was fully analyzed by Environmental Impact Report No. ENV-2005-7118-EIR, July 31, 2007, which incorporates the approved mitigation and monitoring measures for the Project.



ITEM 4



**CENTRAL LOS ANGELES
AREA PLANNING COMMISSION**

DATE: April 28, 2009
TIME: after 4:30 p.m.*
PLACE: City Hall, 10th Floor
200 N Spring Street
Los Angeles, CA 90012

Public Hearing Held March 16, 2009
Case Expires: April 28, 2009

CASE NO. APCC-2008-3526-SPE-SPP

PROJECT LOCATION: 1614-1 736 Argyle Avenue. 6 139-6240 W. Hollywood Blvd; 6140-6158 W. Carlos Ave; 1631-1649 N. El Centro Ave; and 1615-1631 Vista Del Mar Ave.

PROPOSED PROJECT: Installation of tenant and way-finding signs; building identification signs; seven supergraphic signs.

REQUESTED ACTIONS:

1. Pursuant to Section 11.5.7 C of the Municipal Code, a Project Permit Compliance Review to establish compliance with the Hollywood Sign District;
2. Pursuant to Section 11.5.7 F of the Municipal Code, a Specific Plan Exception to allow sign locations, types and surface area not normally permitted by the Hollywood Sign District;
3. Pursuant to Section 21082.1, a finding that the previously certified Environmental Impact Report (ENV-2005-7118-EIR; certified on July 31, 2007) adequately describes the project and its environmental effects and that the approval of this project will result in no new environmental effects.

RECOMMENDED ACTIONS:

1. **Approve** the requested Specific Plan Exceptions.
2. **Approve** the requested Specific Plan Project Permit Compliance Review.
3. **Find** that the previously certified Environmental Impact Report adequately describes the Project and its environmental effects and that the approval of this Project will result in no new environmental effects beyond the scope of the previously analyzed in the EIR as certified by the City Council in its adoption on July 31, 2007.
4. **Adopt** the attached Findings.
5. **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

S. Gail Goldberg, AICP
Director of Planning


Kevin Keller, AICP, Senior Planner


Craig Weber, Hearing Officer (213) 978-1213

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 211, City Hall, 200 North Spring Street, Los Angeles, CA 90012*. While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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PROJECT ANALYSIS

Project Summary

The project consists of the installation of various signs on a recently approved (and unconstructed) mixed-use structure fronting both the north and south sides of Hollywood Boulevard between Argyle and El Centro Avenues. The project includes seven supergraphic signs, comprising a total of 10,487 square feet of sign area; and 125 tenant, building identification and way-finding signs comprising a total of 6,564 square feet. All of the tenant, building identification and way-finding signs are proposed for location within the ground-floor signage raceway area (with the exception of three taller blade signs that would extend up to the second and third floor). All of the supergraphic signs are proposed for location on the upper second through sixth floors of the proposed building facades.

Background

The subject signs are proposed for location on a large six-level mixed-use project that fronts both the north and south side of Hollywood Boulevard between Argyle Avenue and El Centro Avenue. The mixed-use project, which includes 175,000 square feet of street-level retail and 1,042 residential dwelling units was approved by the City Planning Commission on February 8, 2007 and its subsequent zone changes were adopted by the City Council on July 31, 2007. At the time of the project's review with the City Planning Commission and the City Council the project included conceptual signage locations for the seven supergraphics and other signs. Consequently, the proposed signs are architecturally integrated into the proposed structure as they have been a part of the project design from its genesis.

On April 29, 2008 the Director of Planning granted a project permit for the removal of 13 signs on the project site, including nine pole signs and four free-standing billboards/solid panel roof signs. The four billboards/solid panel roof signs all exceeded 672 square feet and therefore it was determined that two square feet of supergraphic credit be awarded and banked for every single square foot of signs removed. The nine pole signs were all less than 672 square feet, and therefore it was determined that one square foot of supergraphic credit be awarded and banked for every single square foot of signs removed. Additionally, because the sign removal at the subject site involves the removal of all signs within a three-block range, the Director of Planning determined that three square feet of supergraphic credit be awarded and banked for the removal of the billboards/solid panel roof signs in lieu of two square feet. Therefore, the determination awarded and banked 12,655 square feet to be used for future supergraphics within the Hollywood Sign District. The credit is contingent upon the submission of photographic evidence and demolition permits to the Planning Department, showing that the signs have been removed by April 28, 2010. The signs are in the process of being removed.

On April 14, 2009 the Central Area Planning Commission voted 3-0 to deny an appeal to a related planning case (DIR-2008-3916-SPP) wherein the same signage credits were not awarded to Regency Outdoor, a billboard company.

Issues

Number of Supergraphics Allowed per Building

Section 7.M 2 d of the Hollywood Signage Supplemental Use Ordinance (SUD) specifies that 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 from any location. The applicant has proposed to construct a mixed-use development that appears to be eight separate structures. The approved building design, which was initially reviewed by Council District 13's Design Review Commission and subsequently approved by the City Planning Commission, responds to the existing built environment along Hollywood Boulevard, wherein taller structures are broken into modules and rarely dominate a street frontage with a single façade. Along the Hollywood Boulevard street frontage, the approved structure has been broken into four building modules: two along the north side of the boulevard and two along the south side of the boulevard. The applicant has proposed to locate supergraphics on opposing east/west sides of each of the four modules, asserting that the modules would appear to be separate buildings to the general public and that the proposed supergraphic configuration complies with the spirit and intent of the regulation. However, because the proposed development is constructed upon a unified subterranean parking structure and retail podium it would be considered a single structure pursuant to the Department of Building and Safety. Consequently, the proposed sign configuration requires the granting of an Exception to the Hollywood Sign District Regulations.

Supergraphics on Facades with Tenant Signage

Section 7.M 2 b of the Hollywood Signage SUD specifies that there shall be no other signage on a face which contains a supergraphic (excluding high-rise signs). The project includes tenant, building identification and parking/way-finding signage on facades that also include supergraphics. At issue is whether or not the combination of supergraphic and other signs should be considered on a single façade. The regulation is intended to minimize sign clutter associated with having numerous sign types on a single façade. However, the project warrants special consideration because the signs have been designed as a part of the overall building program and are highly integrated into the architectural design. Furthermore, the Hollywood Signage SUD ordinances in the process of revision, and changes that have been approved by the City Planning Commission and the City Council Planning and Land Use Management Committee would omit the provision of Section 7.M 2 b and allow for the location of a supergraphic and other signage on the same façade. This change to the ordinance is awaiting adoption by the City Council.

Revisions to the Hollywood Signage SUD

On January 8, 2009, the City Planning Commission approved an amendment to the Hollywood Signage SUD Ordinance. Those changes have been approved by the City Council Planning and Land Use Management Committee and are currently under technical review by the City Attorney before being brought before the full City Council for review and adoption.

Section 5.F of the currently effective Hollywood Signage SUD Ordinance allows four square feet of combined sign area per-façade (excluding supergraphics, projecting signs and open-face roof signs) for every one linear foot of façade street-frontage. However, the proposed amendment to the Ordinance would only allow two square feet instead of four square feet. The applicant has proposed a combined sign area on north block facades that is approximately 3.4 square feet; and a combined sign area on the south block facades that is approximately 2.4 square feet. Both north and south block combined sign areas are below the threshold currently allowed but

above the threshold that would be established should the City Council approve the recommended amendment to the Ordinance.

Architectural Integration and Aesthetics

The subject signs are proposed for location on a mixed-use development that has not yet been constructed. The mixed-use development involves five to six levels of residential dwelling units over a single level of commercial retail space. The development fronts both the north and south sides of Hollywood Boulevard, between Argyle and El Centro Avenues. The development includes large public plazas on both sides of Hollywood Boulevard, tapered massing at building corners, and significant articulation of building mass creating view corridors and open space. The project was designed with the intent of providing both supergraphic signs and other tenant, building identification and parking/way-findings signs. With respect to proposed supergraphic sign locations, the buildings have been designed to accommodate the signage without negatively affecting the livability and utility of the internal space; no windows would be covered or omitted, and desirable features such as balconies, windows, façade articulation and high quality building materials would be provided in concert with the signage program. The design of the project, including potential signage locations has been reviewed by the Council District 13 Design Review Commission and was ultimately approved by the City Planning Commission.

Conclusion

Staff has recommended approval of the proposed signs. It is clear, upon review, that the signs, as proposed, comply with the spirit and intent of the Hollywood Sign District SUD, and that the requested Exceptions are technical in nature. The proposed signs are have been designed as an integral part of the buildings upon which they are to be mounted, are orderly in fashion, and promote the type of lively and dynamic visual environment that was envisioned by the adoption of the SUD.

CONDITIONS OF APPROVAL**HOLLYWOOD SIGNAGE SUD CONDITIONS****1. Sign Area:**

- a. *Supergraphic Signs:* The project shall include no more than seven Supergraphic Signs comprising a total of 10,487 square feet. Such signs are labeled A, B, C, D, E, F and H on the approved site plan. Respective Supergraphic Signs shall be limited in area and dimension as follows: Sign A – 46' x 42' and 1,932 square feet; Sign B – 24' x 54' and 1,296 square feet; Sign C – 30' x 40' and 1,200 square feet; Sign D – 26' x 60' and 1,560 square feet; Sign E – 38' x 52' and 1,976 square feet; Sign F – 49' x 27' and 1,323 square feet; and Sign H – 25' x 48' and 1,200 square feet.
 - b. *Tenant, Building Identification, and Parking/Way-finding Signs:* The project shall include no more than 6,564 square feet of Tenant, Building Identification, and Parking/Way-finding Signs. Such signs shall be limited to architectural canopy signs, information signs, marquee signs, pedestrian signs, pillar signs, pole signs, projecting signs, wall signs and window signs (except that seven projecting or "blade" signs may be included). Individual sign area shall not exceed those dimensions indicated on the approved sign plan, attached to the case file and labeled "Exhibit A."
2. **Sign Locations:** The placement of all signs associated with the project shall substantially comply with the approved sign plan, attached to the case file and labeled "Exhibit A."
 3. **Prohibited Signs:** The following sign types, as defined by Ordinance 176,172 shall at no time be permitted at the project site: Billboards, Can Signs, Captive Balloon Signs, High-Rise Sign, Illuminated Architectural Canopy Signs, Pole Signs, Sandwich Board Signs, Signs for which a permit is required on Vacant Property, Signs covering window exteriors, except as Window Signs pursuant to Section 7 of this Ordinance, Solid Panel Roof Signs, Skyline / Logo Sign, Temporary Special Displays, Inflatable Devices and Electronic Message Displays
 4. **Area Verification:** The sign area of the proposed Signs shall be in accordance with the LAMC sign ordinance regulations, as determined by the Department of Building and Safety or as permitted herein.
 5. **Sign Materials:** All sign materials shall be approved by the Department of Building and Safety. Supergraphic Sign materials shall be approved by Fire Department.
 6. **Sign Mounting:** All mounting procedures shall be to the satisfaction of the Department of Building and Safety.
 7. **Supergraphic Sign Credit:** No building permits for the installation of a single Supergraphic Sign shall be issued until appropriate demolition permits have been issued and photographic evidence submitted to the Department of City Planning indicating that the all of the 13 signs identified by the sign reduction credit (DIR-2007-5881-SPP) have been removed. The applicant shall comply fully with the Conditions of Approval set forth in case DIR-2007-5881-SPP.

8. Lighting:

- a. Project lighting shall be directed onto the site, and all lighting shall be shielded from adjacent roadways and off-site properties.
- b. Atmospheric light pollution shall be minimized by utilizing lighting fixtures that cutoff light directed to the sky.

ADMINISTRATIVE CONDITIONS

9. **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.
10. **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.
11. **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.
12. **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.
13. **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.
14. **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.
15. **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 pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
16. **Indemnification.** The applicant shall defend, indemnify 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.

FINDINGS

1. GENERAL PLAN

The project site is within the Hollywood Community Plan, and is designated for Regional Center Commercial uses with a corresponding [T][Q]C4-2D-SN, with one single parcel of the project site designated for Medium Residential use with a corresponding [Q]R3-1XL zone (no signs are proposed for the single residential parcel). The project consists of supergraphic signs and tenant, building identification and parking/way-finding signs, and is consistent with the Hollywood Community Plan.

The project is also within the Hollywood Signage District Supplemental Use District (SUD). The SUD is an implementation tool of the Hollywood Community Plan and is intended to facilitate the placement of signage that is consistent with the character of the Hollywood community—where signage has long been an integral part of architecture. The erection of any sign within the SUD requires the granting of a Specific Plan Project Permit Compliance Review (SPP). The findings for an SPP are made below.

2. SPECIFIC PLAN PROJECT PERMIT COMPLIANCE REVIEW FINDINGS

Pursuant to Section 11.5.7 C.2 of the LAMC, and as conditioned, the project satisfies the provisions of the Hollywood Signage District Supplemental Use District (Ordinance No. 176,172) except for those provisions noted below wherein the applicant has requested a Specific Plan Exception, pursuant to Section 11.5.7 F of the LAMC. Findings for the granting of a Specific Plan Exception are found in Section 3 of this document. The provisions of the SUD Ordinance require that projects be found in compliance with Section 6.F of that ordinance.

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 project consists of seven supergraphic signs, 14 parking/way-finding signs, 61 tenant signs and 42 building identification signs. Nearly all parking, tenant and identification signs are proposed for location between the ground floor and second level along an architecturally defined signage raceway. Most individual tenant signs range from 12-14 feet in length and 2-3 feet in width and most identification and parking signs are similar in scale. One tenant sign and two parking signs are proposed as projecting (blade) signs that would extend vertically to the third level of the buildings and are consistent with other similar project signs found along Hollywood Boulevard. As proposed, the signage is orderly, of a size that is appropriate for a commercial mixed-use structure and helps to define the ground level of the project as commercial destination.

The seven supergraphics proposed for the project are all proposed for location on elevations that front, or are perpendicular to and adjacent to Hollywood Boulevard. All seven signs are proposed to be viewed by passers by along Hollywood Boulevard. The signs are proposed for location above the ground floor and generally extend to the fifth and sixth level of the buildings upon which they are to be mounted (ranging from approximately 40-60 feet in height). The

scale of the proposed supergraphics is appropriate relative to the size of the underlying structures and does not dominate views of the structure.

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

The project consists of seven supergraphic signs, 14 parking/way-finding signs, 61 tenant signs and 42 building identification signs. Nearly all parking, tenant and identification signs are proposed for location between the ground floor and second level along an architecturally defined signage raceway. One tenant sign and two parking signs are proposed as projecting (blade) signs that would extend vertically to the third level of the buildings and are consistent with other similar project signs found along Hollywood Boulevard. As proposed, the signage is orderly, of a size that is appropriate for a commercial mixed-use structure and helps to define the ground level of the project as commercial destination.

The seven supergraphics proposed for the project are all proposed for location on elevations that front, or are perpendicular to and adjacent to Hollywood Boulevard. All seven signs are proposed to be viewed by passers by along Hollywood Boulevard. The signs are proposed for location above the ground floor and generally extend to the fifth and sixth level of the buildings upon which they are to be mounted. The proposed structures use simple rectilinear forms and offer a high level of façade articulation, thus establishing a clear pattern of fenestration and blank space. Consequently, the elevations accommodate the proposed signs with ease, as the signs are also rectilinear and accentuate the articulation pattern established by the fenestration and blank space.

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

Nearly all tenant, identification and parking signs are of similar scale and are proposed for location along the ground-floor signage raceway. The signs will be located with a high level of consistency from sign-to-sign and, because the SUD prohibits various sign-types associated with clutter, will be similar in appearance. The proposed supergraphics will be uniformly located at Hollywood Boulevard-facing locations, will be similar in scale and will establish a clear pattern along the street resulting in an uncluttered appearance.

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

All proposed signs would be located directly upon building facades. No individual signs would have the capacity to obscure views of important buildings, other important signage, the Hollywood Hills or the Hollywood Sign.

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

The currently effective Hollywood Signage SUD indicates that the maximum permitted combined sign area for all signs (architectural ledge signs, awning signs, electronic message display signs, illuminated architectural canopy signs, information signs, marquee signs, monument signs, pedestrian signs, pillar signs, pole signs, projecting signs, wall signs and window signs) located on a lot is four square feet of sign area for every one foot of street frontage. Proposed changes to the SUD Ordinance (approved by the City Planning

Commission and City Council Planning and Land Use Management Committee) would allow only two square feet of sign area for every one foot of street frontage.

The combined street frontage for the project is 2,363.5 linear feet, which would allow a total of 9,454 square feet of combined sign area. The applicant has proposed to install 6,564 square feet of tenant signs, building identification signs and parking/way-finding signs, which is less than the currently effective maximum for such signs.

More specifically, the north block of the project has 1,014.4 linear feet of street frontage (Argyle, Carlos and Hollywood), which would allow for 4,057 square feet of combined sign area. The applicant has proposed only 3,363 square feet, which is 694 square feet less than the currently effective SUD Ordinance would allow. The south block of the project has 1,349 linear feet of street frontage (Argyle, Hollywood, El Centro, Vista Del Mar), which would allow for 5,398 square feet of combined sign area. The applicant has proposed only 3,201 square feet, which is 2,194 square feet less than the currently effective SUD Ordinance would allow. Should the proposed changes to the Hollywood SUD Ordinance become effective the north block would only allow 2,208.8 square feet of signage (causing the project to be over by 1,334.2 square feet), and the south block would only allow 2,698 square feet of signage (causing the project to be over by 503 square feet). Based upon the proposed changes to the SUD Ordinance, the project would exceed the combined sign area allowed by 1,837 square feet.

In the event that the proposed changes to the SUD Ordinance become effective prior to the granting of a Specific Plan Project Permit the project would require the granting of a Specific Plan Exception to allow the additional signage area. Findings for the granting of such an exception have been made below.

3. SPECIFIC PLAN EXCEPTION FINDINGS

- a. **Strict application of the regulations of the Hollywood Signage Supplemental Use District to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the District.**

Section 7.M.2(d) to allow the number of Supergraphic signs per building to exceed the otherwise permitted maximum of two Supergraphic signs per building.

The Hollywood Signage SUD permits only two supergraphics per buildings and stipulates that such signs must not be simultaneously visible. The provision prevents individual buildings from being overwhelmed by Supergraphic signs, minimizes visual sign clutter and allows for a balance between views of signs and views of building architecture.

Though the project, a massive mixed-use development, consists of two distinct buildings—one on the north side of Hollywood Boulevard and one on the south side of Hollywood Boulevard—the design of the project is such that it appears to be eight distinct towers. The distinct towers are located upon a unified podium and subterranean parking structure, nevertheless, to passers by they will appear to be separate buildings. The project has been designed in this manner to achieve façade articulation that is consistent with the existing development pattern along Hollywood Boulevard. Essentially, the development of the project into distinct towers minimizes the perception of mass that would be associated with the buildings. The strict application of provision 7.M.2(d) would not allow the applicant to provide Supergraphic signs on various

facades that would normally be allowed were the project of a smaller scale or consisting of various smaller buildings not unified by a podium. Additionally, the proposed seven Supergraphic signs range in size from 1,200 square feet to 1,976 square feet and are integrated into the building architecture. Strict adherence to provision 7.M.2(d) could instead encourage the location of four larger Supergraphic signs at the easterly and westerly most portions of the proposed development. Larger Supergraphic signs would be more difficult to integrate into the building architecture and would be inconsistent with the SUD goal of minimizing visual sign clutter.

Section 7M.2(b) to permit Supergraphic signage on the same façade as other signage types in lieu of the restriction that a façade containing a Supergraphic sign may contain no other signage.

The currently effective Hollywood Signage SUD Ordinance does not allow Supergraphic signs to share a building façade with other types of signage. Proposed changes to the SUD Ordinance, approved by the City Planning Commission and the City Council Planning and Land Use Management Committee would omit provision 7.M.2(b) from the ordinance should the change be approved by the City Council. The intent of the provision is to minimize the visual sign clutter that could be associated with various signs sharing a single façade.

However, the subject signs are proposed for location on a mixed-use structure that has been designed to provide commercial/retail and live/work uses at the ground floor of most building facades. The project has been designed to activate the pedestrian realm and provide needed commercial uses within a vital commercial district. Consequently, there are no facades wherein a Supergraphic sign could be located without needed tenant and building identification signs. Strict adherence to section 7.M.2(b) would therefore cause a hardship wherein the project would be penalized for being a mixed use project and would not enjoy the signage rights generally afforded to more traditional building types.

Section 5.F to allow more than two square feet of signage per linear foot of street frontage

The currently effective Hollywood Signage SUD Ordinance allows four square feet of combined sign area (specifically for architectural canopy signs, information signs, marquee signs, monument signs, pedestrian signs, pillar signs, pole signs, projecting signs, wall signs and window signs) for every linear foot of street frontage. Furthermore, the currently approved provisions allow for an aggregate measurement of street frontage so that sign square-footage need not correspond directly to a particular street frontage. Changes to the SUD Ordinance that have been approved by the City Planning Commission and the City Council Planning and Land Use Management Committee would reduce the allowed square footage for combined sign area to two square feet and would require that particular sign area pertain to a particular street frontage. In the event that the proposed changes should become effective prior to the granting of a specific plan project permit an Exception to the revised section 5.F is required.

The combined street frontage for the project is 2,363.5 linear feet, which would allow a total of 9,454 square feet of combined sign area. The applicant has proposed to install 6,564 square feet of tenant signs, building identification signs and parking/way-finding signs, which is less than the currently effective maximum for such signs.

More specifically, the north block of the project has 1,014.4 linear feet of street frontage (Argyle, Carlos and Hollywood), which would allow for 4,057 square feet of combined sign area. The applicant has proposed only 3,363 square feet, which is 694 square feet less than the currently

effective SUD Ordinance would allow. The south block of the project has 1,349 linear feet of street frontage (Argyle, Hollywood, El Centro, Vista Del Mar), which would allow for 5,396 square feet of combined sign area. The applicant has proposed only 3,201 square feet, which is 2,194 square feet less than the currently effective SUD Ordinance would allow. Should the proposed changes to the Hollywood SUD Ordinance become effective the north block would only allow 2,208.8 square feet of signage (causing the project to be over by 1,334.2 square feet), and the south block would only allow 2,698 square feet of signage (causing the project to be over by 503 square feet). Based upon the proposed changes to the SUD Ordinance, the project would exceed the combined sign area allowed by 1,837 square feet.

The mixed-use project for which the subject signs are proposed has been approved by the City Planning Commission following an extensive design review process with the Council District 13 design review committee. All aspects of the project's design, including conceptual signage locations have been reviewed, and the proposed signage is highly integrated in the project's architectural design. A sudden reduction in the allowed signage area would require both a re-design of the proposed signage as well as the underlying architecture and would therefore cause a significant hardship.

- b. There are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the District.**

Section 7.M.2(d) to allow the number of Supergraphic signs per building to exceed the otherwise permitted maximum of two Supergraphic signs per building.

The project involves the placement of seven Supergraphic signs on upper building facades that are perpendicular to, and immediately adjacent to Hollywood Boulevard. More specifically, the project involves four Supergraphic signs placed along the north side of Hollywood Boulevard (two at the westerly and easterly most portions of the project and two facing a centrally located plaza that abuts the boulevard) and three Supergraphic signs placed along the south side of Hollywood Boulevard (two at the westerly and easterly most portions of the project and one facing a centrally located plaza that abuts the boulevard). The structures on which the signs are to be located consist of two separate buildings (north and south) with four distinct tower elements each. The towers are located upon a unified podium and subterranean parking level, and are therefore considered to be two buildings as opposed to eight. Consequently, pursuant to the provisions of the SUD Ordinance, the project may only utilize four Supergraphic signs, two on each building.

However, in an effort to fit in with the existing building pattern along Hollywood Boulevard, the project has been designed to provide individual towers. This strategy breaks up the building mass into modules that better represent the types and sizes of buildings that have historically been built along the boulevard, and allow the project to respond well to its context. To passers by, the project will appear to be distinct buildings, regardless of whether they are unified by a podium level. The project's unique design presents an exceptional circumstance wherein the signage potential that would be allowed to separate and smaller projects would be deprived from a larger project that is designed to appear separate and smaller.

Section 7M.2(b) to permit Supergraphic signage on the same façade as other signage types in lieu of the restriction that a façade containing a Supergraphic sign may contain no other signage.

The structures on which the proposed signs are to be located is a large-scale mixed-use development. The project provides ground-floor commercial/retail uses along Hollywood Boulevard as well as along Argyle Avenue, El Centro Avenue and two central courtyards that abut Hollywood Boulevard. The project design responds to its urban and pedestrian oriented context by providing ground-floor tenant spaces along each of these active areas. Accordingly, each of the elevations wherein commercial tenant space would be provided would also require some form of tenant and building identification signage. Additionally, the large scale of the project necessitates parking/way-finding signage on most elevations to ease both vehicular and pedestrian ingress and egress to the project site.

The large scale and mixed-use nature of the project presents an exceptional circumstance wherein there are no facades that a Supergraphic sign could successfully be located upon that do not also require some other form of tenant or parking signage. Furthermore, proposed changes to the Hollywood Signage SUD, which have been approved by the City Planning Commission and the City Council Planning and Land Use Management Committee would omit provision 7.M.2 (b) from the ordinance altogether. The intent of the provision has been to minimize visual sign clutter, however it has become apparent that well designed projects can accomplish the location of Supergraphic signs and other signs on the same façade without contributing to visual sign clutter (see Finding "d" below).

Section 5.F to allow more than two square feet of signage per linear foot of street frontage

The structures on which the proposed signs are to be located are a large-scale mixed-use development. The project requires tenant signage along the Hollywood Boulevard elevations as well as along Argyle Avenue, El Centro Avenue and along two centrally located plazas that abut Hollywood Boulevard. The project also requires various forms of building identification signage for each of the many live/work units that front Argyle Avenue, Vista Del Mar Avenue, El Centro Avenue and a private driveway as well as building identification signage for the building at large. Lastly, the large-scale development requires various forms of parking/way-finding signage; the project will provide parking for its various commercial tenant spaces, residential inhabitants and for the near-by Pantages Theatre. Such signage is therefore essential to ease vehicular ingress to the site and minimize potential traffic impacts associated with parking and circling for parking spaces. The project complies with the existing Hollywood Signage SUD Ordinance, wherein Section 5.F allows for four square feet of combined sign area (specifically for architectural canopy signs, information signs, marquee signs, monument signs, pedestrian signs, pillar signs, pole signs, projecting signs, wall signs and window signs) per linear foot of street frontage and does not require that sign area be attributed to particular street frontages.

However, the City Planning Commission and the City Council Planning and Land Use Committee have approved changes to the Hollywood Signage SUD Ordinance that would limit combined sign area to 2 square feet per linear foot of street frontage and require that sign area pertain directly to a particular street frontage. Should the proposed changes to the SUD Ordinance become effective the north block would only allow 2,208.8 square feet of signage (causing the project to be over by 1,334.2 square feet), and the south block would only allow 2,698 square feet of signage (causing the project to be over by 503 square feet). Based upon the proposed changes to the SUD Ordinance, the project would exceed the combined sign area allowed by 1,837 square feet. However, the large scale of the project, its mixed-use design, and the fact that the project provides parking for neighboring uses presents an exceptional circumstance that does not apply to other smaller scale projects within the area.

- c. **An exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the District in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the subject property.**

Section 7.M.2(d) to allow the number of Supergraphic signs per building to exceed the otherwise permitted maximum of two Supergraphic signs per building.

The requirement that only two Supergraphic signs may be located upon a single building would, for all intents and purposes, limit the large-scale mixed-use development to having four supergraphics located at the easterly and westerly most portions of the development. The result would be less signage than would normally be allowed were the site developed by smaller individual projects and buildings. The granting of an exception acknowledges that the project, by virtue of its size, and its substantial façade articulation presents a special circumstance which warrants the granting of additional signage that is well integrated into the architectural design of the project and of a scale that is appropriate for the building and surrounding context.

Section 7.M.2(b) to permit Supergraphic signage on the same façade as other signage types in lieu of the restriction that a façade containing a Supergraphic sign may contain no other signage.

The project includes seven Supergraphic signs that would be proposed for location on facades that also have tenant, building identification and parking/way-finding signage. An exception to allow the proposed Supergraphic signs is necessary to allow the development of the mixed-use project that provides ground-floor retail on various facades. Furthermore, proposed changes to the Hollywood Signage SUD, which have been approved by the City Planning Commission and the City Council Planning and Land Use Management Committee would omit provision 7.M.2 (b) from the ordinance altogether. The intent of the provision has been to minimize visual sign clutter, however it has become apparent that well designed projects can accomplish the location of Supergraphic signs and other signs on the same façade without contributing to visual sign clutter (see Finding "d" below). The granting of an exception would be necessary to ensure that the project enjoys the same signage rights that will be afforded other similar mixed-use project following the potential efficacy of the revised SUD Ordinance.

Section 5.F to allow more than two square feet of signage per linear foot of street frontage

The large-scale mixed-use project requires a substantial amount of tenant, building identification, and parking/way-finding signage in order to effectively promote ground floor commercial/retail uses, provide needed signage for live/work dwelling units, provide an ease of automotive ingress to parking areas and appropriately identify the building as a destination within the Hollywood district. That the project includes tenant space and live/work dwelling units along Hollywood Boulevard as well as the various side streets (Argyle Avenue, El Centro Avenue, Vista Del Mar and a private drive) constitute a unique circumstance. Should proposed changes to the Hollywood Signage SUD Ordinance, which have been approved by the City Planning Commission and the City Council Planning and Land Use Management Committee become effective, those changes would inhibit the mixed-use project from effectively promoting commercial tenant space and providing needed identification and way-finding—a right generally afforded to smaller-scale development that does not provide the same scope and magnitude of uses along various street frontages.

- d. **The granting of the exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.**

Section 7.M.2(d) to allow the number of Supergraphic signs per building to exceed the otherwise permitted maximum of two Supergraphic signs per building.

The project includes seven Supergraphic signs ranging in size from 1,200 square feet to 1,976 square feet. The total square footage of proposed Supergraphic signage is 10,487 square feet. Following the removal of existing billboards and pole signs located on the project site, the project draws upon a banked Supergraphic sign credit of 12,655 square feet. The project therefore involves 2,168 square feet less Supergraphic signage that could be permitted at the site. Strict adherence to Section 7.M.2(d) of the SUD Ordinance could permit four Supergraphic signs at the easterly and westerly most portions of the building that are approximately 3,164 square feet each. Such signs would be exceptionally difficult to integrate into the architecture of the building, and may have a negative visual effect on the surrounding neighborhood. The seven smaller signs proposed by the applicant would be highly integrated into the architecture of the building and would be of a scale that is far more compatible with the Hollywood Boulevard built environment. Consequently, the granting of an exception to permit the seven signs located upon four towers of two distinct buildings would not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property, and would actually provide less of an impact than would strict adherence to the provision.

Section 7M.2(b) to permit Supergraphic signage on the same façade as other signage types in lieu of the restriction that a façade containing a Supergraphic sign may contain no other signage.

The project consists of various tenant, building identification and parking/way-finding signs that are located along a unified signage raceway at the ground level and seven Supergraphic signs that are proposed for location above the ground level. All signage is highly integrated into the building architecture and, as conditioned, will be uniform, orderly and consistent with the goals of the Hollywood Signage SUD Ordinance. In the case of this project allowing Supergraphic signs to share a face with other signs will not be detrimental to the public welfare because the signs would be successfully integrated into the building architecture, would have distinct locations and would appear orderly. Furthermore, proposed changes to the Hollywood Signage SUD, which have been approved by the City Planning Commission and the City Council Planning and Land Use Management Committee would omit provision 7.M.2 (b) from the ordinance altogether. The intent of the provision has been to minimize visual sign clutter, however it has become apparent that well designed projects can accomplish the location of Supergraphic signs and other signs on the same façade without contributing to visual sign clutter by virtue of architectural integration and providing an orderly and contained sign program.

Section 5.F to allow more than two square feet of signage per linear foot of street frontage

The Hollywood Signage SUD Ordinance originally became effective on October 4, 2004. Consequently, four square feet of combined sign area per linear foot of street frontage has been allowed from late October to the present date. However, the City Planning Commission and the City Council Planning and Land Use Committee have approved changes to the Hollywood Signage SUD Ordinance that would limit combined sign area to 2 square feet per linear foot of street frontage and require that sign area pertain directly to a particular street frontage. Should the proposed changes to the SUD Ordinance become effective prior to the issuance of a

Specific Plan Project Permit Compliance, the project would require the granting of a Specific Plan Exception. The north block would only allow 2,208.8 square feet of signage (causing the project to be over by 1,334.2 square feet), and the south block would only allow 2,698 square feet of signage (causing the project to be over by 503 square feet). Based upon the proposed changes to the SUD Ordinance, the project would exceed the combined sign area allowed by 1,837 square feet.

The granting of a Specific Plan Exception to allow the project to exceed the new combined sign area limitation by approximately 39-percent would not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property because the greater allowed combined sign area of four square feet has been in effect for nearly five years and various projects have already been developed with the greater sign area. Furthermore, all signage proposed for the project will be located within a unified signage raceway, will be of uniform sign configuration and will be highly integrated into the architectural design of the building on which they are to be located.

4. CEQA FINDING:

The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible. The Project was fully analyzed by Environmental Impact Report No. ENV-2005-7118-EIR, July 31, 2007, which incorporates the approved mitigation and monitoring measures for the Project.

PUBLIC HEARING AND COMMUNICATIONS

A Public Hearing was held for the proposed project on October 20, 2008 at Los Angeles City Hall. Two persons signed in (excluding the applicant and various representatives of the applicant). The applicant provided a brief presentation on the project. No other persons provided spoken comments.

Written Communications Received

On the day of the public hearing Jim McQuiston, a local constituent, faxed a letter to the hearing officer urging a rejection of the subject application. The letter asserted that Ordinance No. 180,445, an Interim Control Ordinance, rendered the application moot. Ordinance No. 180,445 prohibits the issuance of a building permit for any supergraphic signs and has been extended by the City Council to remain in effect until May 10, 2009. However, the ICO prohibits the issuance of building permits for Supergraphic signs and does not preclude the consideration of land use entitlements.

The ICO was adopted to allow the City adequate time to make revisions to the city-wide signage regulations. Those changes, which have been approved by the City Planning Commission, would not impact the provisions of the Hollywood Signage SUD Ordinance, and would have no impact on a request for Supergraphic signs within that district.

On March 27, 2008 a letter was received from Victor S. De la Cruz of Manatt Phelps Phillips, a firm that provides legal representation to Regency Outdoor, a billboard company. The letter asserts that billboards located at the subject site are under the ownership of Regency Outdoor and that Clarett, the applicant, does not have rights to the sign credits that would be generated by their removal.

The signage removal credits were awarded to Clarett by the Director of Planning on April 28, 2008, pursuant to planning case DIR-2007-5881-SPP. The same signage removal credits were denied to Regency Outdoor by the Director of Planning on December 19, 2008 pursuant to planning case DIR-2008-3916-SPP. Regency Outdoor appealed this determination to the Central Area Planning Commission, and on April 14, 2008, that commission voted 3-0 to deny the appeal and uphold the Director's determination.

DETERMINATION LETTER
APCC-2008-3526-SPE-SPP
MAILING DATE: 05/01/09

Clarett Hollywood, LLC
1901 Avenue of the Stars, Suite 1465
Los Angeles, CA 90067

Future Hollywood, LLC
6233 Hollywood Blvd.
Los Angeles, CA 90028

Sheri Bonstelle, Esq.
JMBM
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

Paul Gray
6233 Hollywood Blvd.
Los Angeles, CA 90028

Frank Stephen
1901 Avenue of the Stars, Suite 1465
Los Angeles, CA 90067

Manatt Phelps Phillips
11355 W. Olympic Blvd.
Los Angeles, CA 90064

John Bowman
Jeffer, Mangels, Etal.
1900 Avenue of the Stars, 7th Fl.
Los Angeles, CA 90067

Ronald Turovsky
11355 W. Olympic Blvd.
Los Angeles, CA 90064

Laura Doerges
1901 Avenue of the Stars, Suite 1465
Los Angeles, CA 90067

David Green
6233 Hollywood Blvd.
Los Angeles, CA 90028

Council Member Eric Garcetti
Thirteenth Council District
City Hall, Room 470
Mail Stop #222

Craig Weber
City Planner
City Hall, Room 667
Mail Stop #395

Fae Tsukamoto- G.I.S Section
200 N. Spring St., Room 825
Mail Stop #395