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June 27, 2008

Honorable City Council  
City of Los Angeles  
Room 395, City Hall  
MAIL STOP: 160

CASE NO. CPC-2006-7068-ZC-HD-  
ZAA-SPR  
Council File No. 08-0550  
Council District No. 13  
**Plan Area: Hollywood**

Dear Honorable Members,

**ZONE CHANGE ORDINANCE REVISION: ZONE CHANGE FROM C4-2D-SN TO (T)(Q)C4-2D-SN FOR PROPERTY LOCATED AT 6230 YUCCA STREET WITHIN THE HOLLYWOOD PLAN AREA.**

The attached report adds "Q" Conditions Nos. 35 and 36 as recommended for approval by the Planning and Land Use Committee of the City Council at its meeting held June 24, 2008.

Pursuant to Section 559 of the City Charter, I have reviewed the findings of the City Planning Commission's action taken relative to Case No. CPC 2006-7068-ZC-HD-ZAA-SPR on May 9, 2008, and on behalf of the Commission, I adopt its findings and approve this Ordinance, and recommend its adoption insofar as it substantially conforms to the latest action of the City Planning Commission in this matter.

Pursuant to Rule No. 38, transmitted herewith is the revised ordinance and findings, for appropriate action by the City Council.

S. GAIL GOLDBERG, AICP  
Director of Planning

  
Dave Gay  
Principal City Planner

JUL 01 2008  
PLANNING & LAND  
USE MANAGEMENT

## History

The History of the proposed zone change for the subject property is as follows:

- |                   |   |
|-------------------|---|
| May 9, 2008       | The City Planning Commission approved and recommended that the City Council adopt a zone change from C4-2D-SN to (T)(Q)C4-2D-SN for the demolition of an existing building and construction of a mixed-use building on the properties shown on the ordinance map subject to conditions of approval. |
| February 28, 2008 | An appeal from the entire determination of the Planning Commission, including certification of the environmental impact report (EIR) for the project, was filed.  |
| June 24, 2008     | The Planning and Land Use Management (PLUM) Committee of the City Council recommended approval of the subject zone change adding supplemental environmental mitigation measures, "Q" Conditions Nos. 35 and 36.   |

## PLUM Committee Recommendation

On June 24, 2008, the Planning and Land Use Management Committee of the City Council recommended approval of the subject zone change and height district change adding "Q" Conditions Nos. 35 and 36 to read as follows:

C. Supplemental Mitigation Measures. The following Supplemental Mitigation Measures shall supersede the Conditions of Approval (Mitigation Measures) contained above as they apply to EMI/Capitol Records to the extent there is an inconsistency between them.

### 35. Construction Related Measures.

- (I-12S) Within 40 feet of the western project site property line with EMI/Capitol Records, demolition, excavation and construction activities at or below the street level of the project site (including loading of demolition refuse), grading equipment and activities, augured pile drilling, vibratory rollers, jumping jack compactors, and other excavation and construction equipment and activities shall be prohibited after 10:00 a.m. Mondays through Saturdays, unless one of the following exceptions apply (MM):
- a. The EMI/Capitol Records recording studios and echo chambers are not in use; or
  - b. It can be demonstrated (in coordination with EMI/Capitol Records) that any such demolition, grading, excavation, or construction

activity or equipment will not result in sound within the echo chambers of more than 20 dBA energy averaged over any 5 minute period and a maximum of 25 dBA slow meter response.

(I-13S) Within 40 feet of the western project site property line with EMI/Capitol Records, demolition, excavation, and construction activities at or below the street level of the project site (including loading of demolition refuse), grading equipment and activities, augured pile drilling, vibratory rollers, jumping jack compactors, and other excavation and construction equipment and activities shall be prohibited during the one-week period leading up to and including the Grammy, Emmy, and Oscar awards, unless one of the following exceptions apply(MM):

- a. The EMI/Capitol Records recording studios and echo chambers are not in use; or
- b. It can be demonstrated (in coordination with EMI) that any such demolition, grading, or excavation activity or equipment will not result in sound within the echo chambers of more than 20 dBA energy averaged over any 5 minute period and a maximum of 25 dBA slow meter response.

(I-14S) Loading of refuse will be accomplished through the use of rubber tired equipment. Every effort will be made during the loading and removal operation to reduce noise from any operated equipment. Trucks will be staged and loaded at the Argyle Street curb and driveway. (MM)

(I-15S) Driven soldier piles are prohibited; augured piles are permitted. (subject to the conditions set forth in Supplemental Mitigation Measures 12 and 13 above) (MM)

(I-16S) Tracked loaders and dozers and other similar tracked equipment are prohibited; wheeled loaders and dozers other similar wheeled equipment are permitted. (subject to the conditions set forth in Supplemental Mitigation Measures 12 and 13 above) (MM)

(I-17S) Rubber tired equipment will be used during excavation, with the possible exception of a tracked "back-hoe-type" excavator (with rubber track pads and/or sound deadening blankets utilized) which may speed excavation and cause less vibration. Any tracked excavator shall be operated at the lowest possible gear at lowest possible speed. (All equipment is subject to the conditions set forth in Supplemental Mitigation Measures 12 and 13 above.)(MM)

(I-18S) No stationary equipment will be operated within 40 feet of the western project site property line with EMI/Capitol Records. Tower cranes

and personnel lifts shall be positioned near Argyle on the eastern edge of the project site. (MM)

- (I-19S) Construction materials shall be stock-piled at distant portions of the site, at least 40 feet from the western project site property line with EMI/Capitol Records. The equipment warm-up areas, water tanks and equipment storage areas described in Mitigation Measure I-5 above shall also be located at least 40 feet from the western project site property line with EMI/Capitol Records. (MM)
- (I-20S) All plans and specifications and construction means and methods (including plans and specifications submitted to the City of Los Angeles Department of Building & Safety regarding the neoprene foam liner and miradrain system referenced in Mitigation Measure Supp 26) shall be provided to EMI/Capitol Records for review concurrently with their submission to the City of Los Angeles Department of Building & Safety. (MM)
- (I- 21S) The Applicant shall secure a "Noise/Vibration" expert and notify EMI/Capitol Records of the name and contact information for such expert. The "Noise/Vibration" expert shall review the construction plans and specifications and shall prepare a "best practices" report with regards to demolition and construction activities as they relate to noise and vibration. The expert shall also review the construction schedule and inform the contractor of activities and equipment likely to cause excessive ground borne noise and/or vibration during construction. The "best practices" report shall be provided to the City of Los Angeles Department of Building & Safety, EMI/Capitol Records, and the construction manager prior to initiation of any demolition, excavation or construction of the project, and the recommendations in the report shall be followed. The duties required of the "Noise/Vibration" expert in this measure shall not require the "Noise/Vibration" expert to be present on-site at all times so long as the duties herein required. (MM)
- (I-22S) Prior to initiation of demolition, excavation or construction activities on the project site, the Applicant shall designate in writing to EMI/Capitol Records a contact person with the contractor, including such person's cell phone number, that will be on-site, available and have the authority to control construction activities, and who is the person that EMI/Capitol Records shall contact if there is interference with recording activities at EMI/Capitol Records studios or echo chambers. If at any time during demolition, excavation or construction of the project EMI/Capitol Records notifies such contact person that construction activity is interfering with a recording session, the contractor shall promptly take all necessary measures to identify and modify the activity causing the interference so that the interference ceases and the recording session may continue without further delay and the interference does not recur.

If there are two documented incidents of interference that are not satisfactorily resolved with the Applicant's construction contact in such a manner that recording operations at EMI/Capitol Records can continue, and such documentation is provided by EMI/Capitol Records to the Applicant, the City of Los Angeles Department of Building & Safety and Council Office for District 13, then the City of Los Angeles Department of Building & Safety shall immediately respond by going to the project site to identify and instruct the contractor to modify the activity causing the interference so that interference ceases and develop an action plan for moving forward with construction in a manner that will not interfere with recording operations at EMI/Capitol Records. (MM)

(I- 23S) In addition to the measures provided in Mitigation Measure Supp 22 above, in the event that recording activities at EMI/Capitol Records are interrupted during demolition, excavation or construction and a resolution cannot be reached between the contractor and EMI/Capitol Records, the "Noise/Vibration" expert shall be immediately contacted and shall first verify if the interruption is caused by construction activity and then make additional recommendations regarding how to further reduce or eliminate interruption to EMI/Capitol Records' recording operations. These recommendations shall be provided to and discussed with the City of Los Angeles Department of Building & Safety and EMI/Capitol Records. (MM)

(I-24S) All mitigation measures restricting construction activity will be posted at the Site and all construction personnel will be instructed and regularly reminded as to the nature of the noise and vibration mitigation measures. (MM)

(I-25S) The Applicant, its contractor and the "Noise/Vibration" expert shall coordinate with EMI/Capitol Records relative to recording and construction activity schedules. During the construction period, the Applicant shall establish a schedule to meet with EMI/Capitol Records at least once per week during construction. The Applicant shall provide EMI/Capitol Records a detailed construction schedule, including scheduled construction equipment, and the Applicant shall request the recording schedule of EMI/Capitol Records' use of the studios and echo chambers during the same period. Without in any manner limiting the scope of other Supplemental Mitigation Measures, the Applicant shall use best efforts to coordinate in good faith with EMI/Capitol Records to avoid use of construction equipment and avoid construction activities that cause significant noise and vibration impacts during hours shown on the schedule provided by EMI/Capitol Records and during EMI/Capitol Records' special events. (MM)

36. Operational Noise – Periodic.

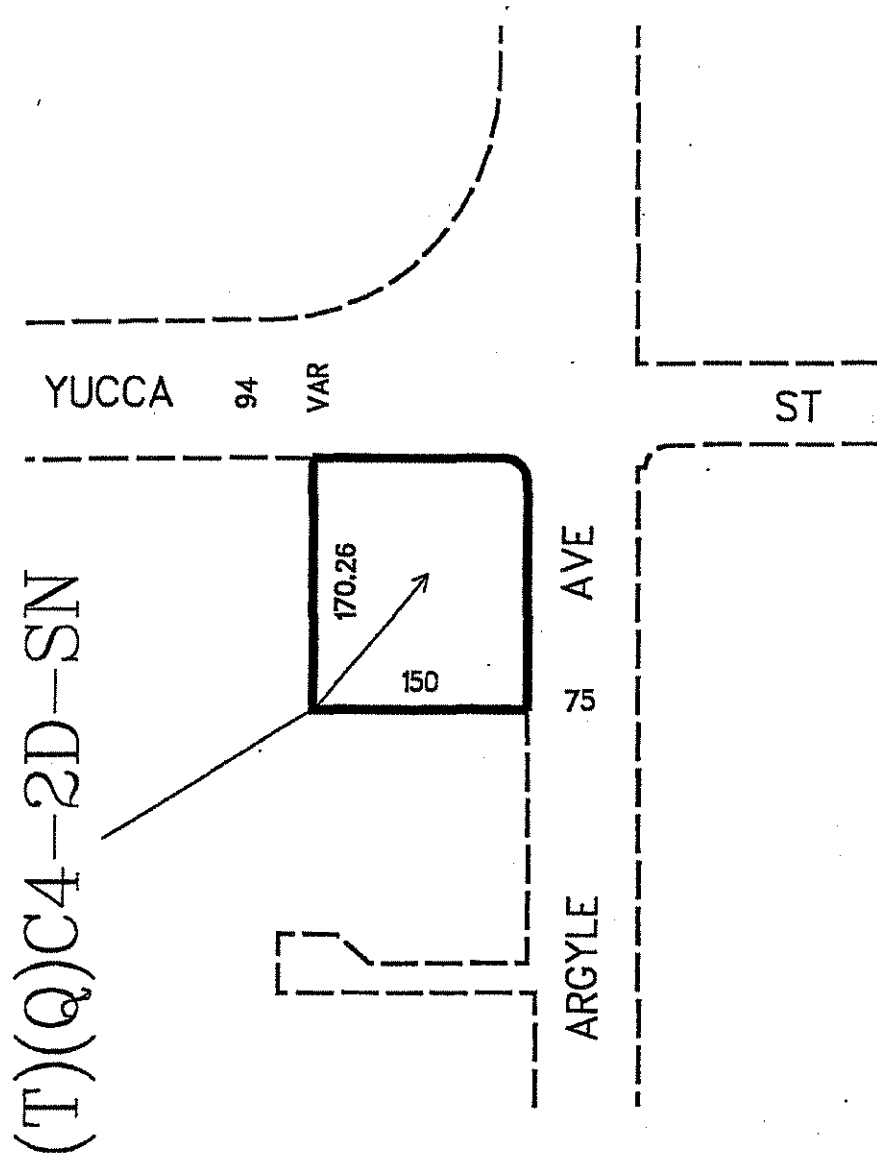
- (I-26S) A not less than two-inch thick closed cell neoprene foam liner will be applied to exposed excavation or lagging at the western project site property line with EMI/Capitol Records provided that: (1) the liner is approved for this use by the City of Los Angeles Department of Building & Safety (if not so approved, then an equivalent product approved for this use by the City of Los Angeles Department of Building & Safety shall be applied) and (2) a Miradrain system (or equivalent product) for drainage and waterproofing will be installed per manufacturer recommendations. A 10 to 12 inch thick shotcrete basement wall will then be built. If operation of the project, including normal traffic in the underground garage exceeds the threshold of 1) 20 dBA energy averaged over any 5 minute period and 2) a maximum of 25 dBA slow meter response, then the Applicant shall take such measures to reduce the impact below the above thresholds. (MM)
- (I-27S) Noise and vibration generating equipment such as cooling towers and HVAC systems shall either be located on the roof of the structure or shall be located at a distance of not less than 40 feet from the EMI/Capitol Records property line, unless it can be demonstrated (in coordination with EMI/Capitol Records) that any such equipment will not result in sound within the echo chambers of more than 20 dBA energy averaged over any 5 minute period and a maximum of 25 dBA slow meter response. (MM)

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the Zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the Zoning map shall be as follows:



NOT TO SCALE

C.M. 148.5 A 189, 150 A 189	CPC 2006-7068 ZC HD ZAA SPR
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AE/

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**(Q) QUALIFIED PERMANENT CONDITIONS OF APPROVAL**

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

**A. Entitlement Conditions.**

1. **Use.** The development of the subject property shall comply with all area, use and height provisions of the C4-2D-SN Zone, except as conditioned herein. Commercial development shall be limited to a maximum of 13,790 square feet. Residential development shall be limited to a minimum of 95 dwelling units.
2. **Density.** Development shall be limited to a Floor Area Ratio not to exceed 4.5:1.
3. **Joint Live/Work Units.** Commercial/residential units shall be developed with the Commercial portion of the unit physically separated from the residential portion and located on the ground/street level, with direct access available to both the residential portion of the unit and the street frontage. The residential portion of the unit shall be located above the first floor. Said units shall abut the street. Pursuant to LAMC Section 12.22 A. 18. (c)(3), no yard requirements shall apply to the residential portion of said units. The ground floor portion of the site shall observe yard requirements of the C4 Zone.
4. **Site Plan.** Prior to the issuance of any building permit, detailed development plans, including a complete landscape and irrigation plan and a parking area and driveway plan, shall be submitted to the Planning Department for review and sign-off clearance. These plans shall be in substantial conformance with the plot plan, elevations and landscape plans dated December 13, 2007, attached to the administrative file. The plans shall comply with applicable provisions of the Municipal Code, the subject conditions herein and the intent of the subject permit authorization.
5. **Parking.** A minimum of 242 parking spaces shall be provided. The number of spaces provided, their location and access shall be in substantial conformance with the project plans marked Exhibit B1-5 and attached to the administrative file. Parking designated for office use shall be made available after-hours to support reductions in "over-flow" parking into residential areas. The following shall also apply:
  - a. Tandem parking may be used only for the spaces which are assigned and designated for a single residential unit.
  - b. Guest parking sign(s) shall be clearly posted at building entrance(s). The sign(s) shall be in large, easy to read lettering and shall indicate the general location of guest parking. Sign wording shall be to the satisfaction of the Planning Department and shall indicate the number of reserved guest parking spaces.
  - c. If any guest parking is located behind security gates, the following shall be apply:
    - 1) A remote electronic gate opening system shall be installed so that the security gate can be opened from each residential unit served by the secured guest parking.
    - 2) An electronic intercommunication system shall be installed. The system shall be readily accessible to the drivers of guest vehicles and to the units served by the secured guest parking.
    - 3) The security gate shall be set back from the public right-of-way so as to provide a waiting area for guest vehicles and to prohibit blockage or interference with the public right-of way by waiting guest vehicles.

- 4) Alternatives to the provisions of this condition may be approved by the Planning Department provided that the intent of readily accessible guest parking facilities and no interference with the public right-of-way is assured.
6. **Los Angeles Community Redevelopment Agency (LAICRA) Requirements.** Prior to the issuance of any building permit, the subject project shall show proof of conformance with all applicable provisions/requirements of the Redevelopment Agency and the Redevelopment Plan for the Hollywood Redevelopment Project area.
7. **Energy Efficiency.** The Applicant shall make a "best effort" attempt to obtain LEED certification, and/or, the project shall incorporate, to the greatest extent possible, LEED requirements for new construction and commercial interiors.
8. **Signs.** Issue no sign permit for the construction, erection, reconstruction, rehabilitation, addition to or structural alteration of any sign on a lot located in whole or in part within the Hollywood Signage Supplemental Use District area unless and until a Project Permit is obtained from the Department of City Planning, Community Planning Metro Bureau. Any appeal of a Department of City Planning Project Permit shall be heard by the Los Angeles City Planning Commission.
9. **Site Plan Review.** The subject Site Plan Review is approved subject to any appeals and shall be subject to any applicable requirements of the Hollywood Signage Supplemental Use District.
10. **Design.** The design of the project shall be in substantial conformance with the site plans and elevations dated November 8, 2007, attached to the administrative file. The building design shall conform to the following:
  - a. Façades along pedestrian frontages should include a variety of features such as: a combination of different textures, colors and materials; distinctive architectural features; display windows; signage; setbacks and differentiated massing; rooflines; shade and shadow features.
  - b. All façades should create or reinforce an existing façade rhythm.
  - c. Upper floors should be differentiated from the ground floor.
  - d. There should be no blank walls along pedestrian frontages; walls should be interesting facades by incorporating a combination of elements such as: sculpted, carved or penetrated wall surface; planters, murals; mosaics; public art; awnings and/or lighting.
  - e. At corners, the building frontage should consider building cut-offs in response to any need to accommodate pedestrians and to protect pedestrian safety, security and enjoyment.
- B. **Other Conditions.**
  11. **Construction Noise/Vibration.** The Applicant shall secure a "Noise/Vibration" expert to assist during the construction phase. The intent of the expert is to monitor for potential long-term affects on the Capitol Records building, and to promote "best practices" with regard to construction activities as they relate to noise and vibration.
  12. **Public Amenity.** The Applicant shall show evidence of participation in the redevelopment/development of the proposed neighborhood park, known as the "Yucca Triangle".

13. **Traffic Demand Management.** The Applicant shall employ "best efforts" with regard to the promotion of alternative transit means for project residents.
14. **Air Quality.** The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better in order to reduce the effects of diminished air quality on the occupants of the project.
15. **Trash and Storage Area(s).** Solid masonry block walls, a minimum of six feet in height, shall enclose trash and other storage areas. There shall be no openings except for gates. The areas shall be buffered so as not to result in noise, odor or debris impacts on any adjacent uses. Any outside trash containers on the subject property shall be enclosed and shall be located so as not to result in noise or odor impacts on any adjacent residential use. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
16. **Light.** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties. This shall not exclude the use of security lighting.
17. **Maintenance.** The subject property including associated parking facilities, sidewalks, and landscaped planters adjacent to the exterior walls along the all property lines shall be maintained in an attractive condition and shall be kept free of trash and debris.
18. **Graffiti.** Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal code Section 91.8104. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15.
19. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.
20. **Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.

**C. Environmental Conditions.**

**21. Construction Equipment Emissions.**

(C-1): The project developer shall implement the following measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the project site throughout the project construction phases. The project developer shall include in construction contracts the control measures as may be required under Rule 403, at the time of development, including the following: (MM)

- a. Keep all construction equipment in proper tune in accordance with manufacturer's specifications.
- b. Use late model heavy-duty diesel-powered equipment at the project site to the extent that it is readily available in the South Coast Air Basin (meaning that it does not have to be imported

from another air basin and that the procurement of the equipment would not cause a delay in construction activities of more than two weeks.)

c. Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at the project site to the extent that it is readily available and cost effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause a delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment. (This measure does not apply to diesel-powered trucks traveling to and from the site.)

d. Utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause a delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment.)

e. Limit truck and equipment idling time to five minutes or less.

f. Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.

g. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

#### **Construction-Related Fugitive Dust Emissions.**

(C-2): The project developer shall implement fugitive dust control measures in accordance with SCAQMD Rule 403. The project developer shall include in construction contracts the control measures as may required under Rule 403 at the time of development, including the following:

h. Use watering to control dust generation during demolition of structures or break-up of pavement. The construction area and vicinity (500-foot radius) must be swept (preferably with water sweepers) and watered at least twice daily. Site wetting must occur often enough to maintain a 10 percent surface soil moisture content throughout all earth moving activities. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.

i. Water active grading/excavation sites and unpaved surfaces at least three times daily.

j. All paved roads, parking and staging areas must be watered at least once every two hours of active operations.

k. Site access points must be swept/washed within thirty minutes of visible dirt deposition.

l. Sweep daily (with water sweepers) all paved parking areas and staging areas.

m. Onsite stockpiles of debris, dirt or rusty material must be covered or watered at least twice daily.

n. Cover stockpiles with tarps or apply non-toxic chemical soil binders.

o. All haul trucks hauling soil, sand, and other loose materials must either be covered or maintain two feet of freeboard.

p. At least 80 percent of all inactive disturbed surface areas must be watered on a daily basis when there is evidence of wind drive fugitive dust.

q. Install wind breaks at the windward sides of construction areas.

r. Operations on any unpaved surfaces must be suspended when winds exceed 25 mph.

s. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 15 miles per hour over a 30-minute period or more, so as to prevent excessive amounts of dust.

t. All haul trucks hauling soil, sand, and other loose materials must either be covered or maintain two feet of freeboard.

u. All haul trucks must have a capacity of no less than twelve and three-quarter (12.75) cubic yards.

- v. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- w. Traffic speeds on unpaved roads shall be limited to 15 miles per hour.
- x. Provide daily clean-up of mud and dirt carried onto paved streets from the site.
- y. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- z. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amount of dust.
- aa. Operations on any unpaved surfaces must be suspended during first and second stage smog alerts.
- bb. An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt

## **22. Cultural Resources.**

- (D-1) If any archaeological materials are encountered during the course of the project development, construction shall be halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology - Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA qualified archaeologist to assess the resources and evaluate the impact. Copies of the archaeological survey, study or report shall be submitted to the UCLA Archaeological Information Center. A covenant and agreement shall be recorded prior to obtaining a grading permit.
- (D-2) If any paleontological materials are encountered during the course of the project development, construction shall be halted. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Natural History Museum to assess the resources and evaluate the impact. Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Natural History Museum. A covenant and agreement shall be recorded prior to obtaining a grading permit.
- (D-3) If human remains are discovered at the project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City of L.A. Public Works Department and County Coroner shall be immediately notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

## **23. Geology and Soils.**

- (E-1) Further evaluation of the potential for liquefaction to occur at the project site during strong ground shaking shall be performed as part of the design-level geotechnical investigation, using data developed from Cone Penetration Test (CPT) probes, which should be performed in addition to additional borings. (MM)
- (E-2) The project shall comply with the recommendations listed on pages 6 through 13 in the Preliminary Geotechnical Report, Proposed High Rise Residential Development, 6230 Yucca Street, Hollywood, California, (which is incorporated herein by reference), prepared by Group Delta Consultants, Inc., dated November 17, 2006. Non-design related structural methods are presented below. The report contains additional specific design requirements that the contractor must implement: (MM)

**Earthwork.** All grading should also conform to the requirements of the City of Los Angeles Grading Division and the following general grading recommendations: (MM)

- o The grading contractor is responsible for notifying the project geotechnical engineer of a pre-grading meeting prior to the start of grading operations and anytime the operations are resumed after an interruption.
- o Prior to the start of earthwork the existing improvements will require demolition, as discussed in Section 5.2. Existing utilities should be removed, relocated or protected, as appropriate.
- o As discussed in Section 5.3, any existing fill is uncertified, but will be removed during the planned basement excavation.
- o The sides of the basement excavation will require shoring with one to two rows of tie-back anchors, as discussed in Section 5.5.
- o The bottom of the completed excavation should be observed by the project geotechnical engineer, while it is proofrolled with loaded equipment. Any loose or yielding soils should be overexcavated and recompacted to the limits determined by the project geotechnical engineer.
- o The bottom of the excavation should then be scarified to a depth of 6 inches, moisture conditioned between 0 to 2 percent wet of the optimum moisture content, and compacted to at least 95 percent relative compaction as determined by ASTM Test D1557.
- o Any fill placed under structures or pavement and any backfill placed adjacent to buried walls is defined as "structural fill." All structural fill should consist of predominantly sandy soils and should be free of expansive clay, rock greater than 3 inches in maximum size, debris and other deleterious materials. All structural fill should be compacted to at least 95 percent of the maximum dry density determined by ASTM D1557. Fill placed in non-structural and landscape areas should be compacted to at least 90 percent.
- o In general, the sandy layers encountered in our borings may be used as structural fill. However, the clayey and silty soils encountered in our explorations will not be acceptable for reuse as fill or backfill. All fill soils shall be approved by the project geotechnical engineer.
  - o All earthwork and grading should be performed under the observation of the project geotechnical engineer. Compaction testing of the fill soils shall be performed at the discretion of the project geotechnical engineer. Testing should be performed for approximately every 2 feet in fill thickness or 500 cubic yards of fill placed, whichever occurs first. If specified compaction is not achieved, additional compactive effort, moisture conditioning, and/or removal and recompaction of the fill soils will be required.
- o All materials used for asphalt, concrete and base shall conform to the 2006 "Green Book" or the equivalent, and shall be compacted to at least 95 percent relative compaction.
- o If, in the opinion of the geotechnical engineer, contractor, or owner, an unsafe condition is created or encountered during grading, all work in the area shall be stopped until measures can be taken to mitigate the unsafe condition. An unsafe condition shall be considered any condition that creates a danger to workers, onsite structures, on-site construction, or any off-site properties or persons.

**Temporary Excavations - General.**

- o All excavation slopes should meet the minimum requirements of the Occupational Safety and Health Association (OSHA) Standards. Maintaining safe and stable slopes on excavations is the responsibility of the contractor and will depend on the nature of the soils and groundwater conditions encountered and the method of excavation. Excavations during construction should be carried out in such a manner that failure or ground movement will not occur. (MM)

**Temporary Excavations – Dewatering.**

o During construction, it is anticipated that ground water can be controlled using shallow trenches, sumps and pumps. To provide further definition of the ground water conditions at the site, one or more monitoring wells are recommended to be installed during the design-level geotechnical investigation. If it is necessary to dispose of water during construction, a discharge permit will be required from the Regional Water Quality Review Board. This will require testing of the ground water for contaminants, and should be planned for the project schedule. (MM)

**Temporary Excavations – Shoring.**

o A soldier pile and tied-back shoring system will be required to protect adjacent property and streets. The design of the shoring system will be the responsibility of the shoring designer. Since the tied-back anchors will extend offsite, approval will be required from the City and the adjacent property owners. This should be planned for in the project schedule. The design of the soldier piles and anchors are specified in the Preliminary Geotechnical Report. (MM)

**Temporary Excavations – Monitoring of Shoring.**

o A survey-monitoring program should be implemented to monitor shoring displacements during construction. In addition, nearby improvements should also be surveyed and photographs and/or video taken to document baseline conditions. The deflection at the top of the shoring should be limited to 1 inch. If the shoring exceeds 1 inch or if distress or settlement is noted adjacent to the top of shoring, an evaluation should be performed and corrective measures taken. (MM)

- (E-3) All structural elements shall be designed and built to resist strong ground motions in accordance with the requirements of the City of Los Angeles Building Code and the California Building Standards Code. These measures shall be reviewed and approved by the City of Los Angeles Department of Building and Safety prior to issuance of building permits. (MM)

**Grading**

- (E-4) All grading activities require grading permits from the Department of Building and Safety which include requirements and standards designed to limit potential impacts to acceptable levels.

Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

- Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity. (MM)
- Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. (MM)
- Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting. (MM)

**General Construction**

- (E-5) Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets. (MM)

**24. Hazards and Hazardous Materials.****Upset/Release of Hazardous Materials***Construction Impacts***Hazardous Materials/Hazardous Wastes.**

A Phase I Environmental Site Assessment (ESA), titled Phase I Environmental Site Assessment (ESA) Report, 6226-6236 Yucca Street, Los Angeles, California, was prepared by ACC Environmental Consultants, dated November 16, 2005. Based on the report the presence of hazardous materials on the site poses a low potential to impact the environment. With proper disposal and/or recycling of the hazardous materials and used rags impacts would be less than significant.

- (F-1) Prior to the issuance of demolition permits, the applicant shall have the pole-mounted transformers located along the alley transecting the project site tested for the presence of PCB-containing dielectric fluids. If PCBs are identified, the dielectric fluid shall be collected and properly disposed of as hazardous waste at an appropriate disposal facility in accordance with applicable federal, state and local regulations. The transformers shall also be disposed of as hazardous waste in accordance with applicable federal, state and local regulations. (MM)
- (F-2) Prior to the issuance of demolition permits, the applicant shall identify PCB-containing light ballasts in each building throughout the project site. These ballasts shall be recycled through a reputable company to prevent environmental contamination upon renovation, demolition or change-out. (MM)
- (F-3) Prior to the issuance of demolition permits, the applicant shall identify all mercury-containing fluorescent bulbs used in light fixtures throughout the buildings on the project site. These bulbs shall be recycled through a reputable company to prevent environmental contamination upon renovation, demolition or change-out. (MM)
- (F-4) Prior to the issuance of the demolition/renovation permits, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACMs are present in the buildings. If ACMs are found to be present, they shall be abated in compliance with the South Coast Air Quality Management District's Rule 1403, as well as other state and federal regulations. (MM) Specific requirements of Rule 1403 include:
- Implementation of a thorough survey of the affected facility prior to issuance of permits for any demolition or renovation activity, including inspection, identification, and quantification of all friable and certain non-friable asbestos-containing materials.
  - Surveys which include collection and analyses of representative asbestos building material samples, and quantification of these materials for asbestos abatement purposes prior to or during demolition/renovation.
  - Notification of the SGAQMD of the intent to demolish or renovate any facility at least ten days prior to commencing with the activity.
  - Removal of all asbestos-containing materials prior to any demolition or renovation activity that would break up, dislodge, or similarly disturb the material.
  - Use of legally required procedures when removing asbestos-containing materials.



- Placement of all collected asbestos-containing materials in leak-tight containers or wrapping.
  - Disposal of asbestos-containing materials as required by applicable regulations.
- (F-5) Prior to issuance of permits for any demolition/renovation activity involving a particular structure, a lead-based paint assessment of each existing structure shall be conducted. Leadbased paint found in any buildings shall be removed and disposed of as a hazardous waste in accordance with all applicable regulations. Such regulations that would be followed during demolition include Construction Safety Orders 1532.1 (pertaining to lead) from Title 8 of the California Code of Regulations, and lead exposure guidelines provided by the U.S. Department of Housing and Urban Development (HUD) (MM) .
- (F-6) Prior to the issuance demolition permits, a No Further Action letter shall be obtained from the Los Angeles Fire Department Bureau of Fire Prevention (LAFDBFP) in order to verify that the second former UST is no longer an environmental issue. (MM)
- (F-7)
- All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic waste shall be discarded at a licensed regulated disposal site. (MM)
  - Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains. (MM)
  - Shall not hose down pavement at material spills. Dry cleanup methods shall be used whenever possible. (MM)
  - Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting. (MM)
- Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets. (MM)
- All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. (MM)
- All major repairs shall be conducted offsite. Drip pans or drop cloths shall be used to catch drips and spills. (MM)

## 25. Hydrology and Water Quality.

- (G-1) Compliance with all applicable requirements associated with NPDES Permit No. CA0061654 and all relevant storm water quality management regulations. (MM)

### Grading

- (G-2) All grading activities require grading permits from the Department of Building and Safety which include requirements and standards designed to limit potential impacts to acceptable levels. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
- Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity. (MM)
  - Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code,

including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. (MM)

- Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting. (MM)

### **General Construction**

(G-3) To reduce the sediment that carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life the following mitigation measures shall be implemented

- All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, waterbased paints, vehicle fluids, broken asphalt and concrete; wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site. (MM)
- Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains. (MM)
- Do not hose down pavement at material spills. Dry cleanup methods shall be used whenever possible. (MM)
- Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting. (MM)
- Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets. (MM)
- All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted offsite. Drip pans or drop cloths shall be used to catch drips and spills. (MM)

## **26. Noise.**

### ***Construction Impacts***

The following mitigation measures are recommended to address construction-related noise and vibration impacts:

- (I-1) All construction equipment engines shall be properly tuned and muffled according to manufacturers' specifications. (MM)
- (I-2) Noise construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible I-3 The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Examples include the use of drills, jackhammers, and pile drivers. (MM)
- (I-4) Barriers such as plywood structures or flexible sound control curtains shall be erected along Argyle Avenue between the project site and the multi-family residential units and along the western project site boundary between the project site and the Capitol Records Tower to minimize the amount of noise the residential units and other noise sensitive uses shall be subject to. (MM)

- (I-5) Equipment warm-up areas, water tanks, and equipment storage areas shall be located a minimum of 150 feet from the multi-family residential units. (MM)
- (I-6) Flexible sound control curtains shall be placed around and drilling apparatuses and drill rigs, if used. (MM)
- (I-7) Coordination and noticing of the scheduling of various phases of construction shall be done in conjunction with the Capitol Records Tower and submitted to nearby residential units. (MM)
- (I-8) Demolition and construction activities that generate noise shall be prohibited between the hours of 4:00 P.M. and 7:00 A.M. Monday through Friday. All such activity at the project site shall cease by 4 P.M. (MM) Construction related activities which promote excessive noise shall be prohibited on Saturdays.
- (I-9) The project shall comply with the City of Los Angeles Noise Ordinance No. 144, 331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible. (MM)
- (I-10) Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. (MM)
- (I-11) The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment. (MM)

## **27. Public Services.**

- (K.1-1) In accordance with LAMC Section 57.09.07, the applicant shall equip the proposed structure with automatic sprinkler systems. (MM)
- (K.1-2) The applicant shall submit the plot plan for review and approval by the Fire Department prior to recordation of a final map or the approval of a building permit. (MM)
- (K.1-3) Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width. (MM)
- (K.1-4) No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. (MM)
- (K.1-5) No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane. (MM)
- (K.1-6) Access for Fire Department apparatus and personnel to and into all structures, including the subterranean parking structures, shall be required. (MM)
- (K.1-7) The proposed project shall comply with all applicable State and local codes and ordinances, and guidelines found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the General Plan for the City of Los Angeles C.P.C. 19708. (MM)

The following mitigation measure is recommended to further reduce the proposed project's less than significant construction-related police protection impacts.

(K.2-1) During construction activities, the project developer shall ensure that all onsite areas of active development, material and equipment storage, and vehicle staging, that are adjacent to existing public roadways, be secured to prevent trespass. (MM)

(K.2-2) The building and layout design of the proposed project shall include crime prevention features, such as nighttime security lighting, building security systems, and secure parking facilities. (MM)

(K.2-3) The project developer shall submit a plot plan for the proposed development to the LAPD's Crime Prevention Section for review and comment. Security features subsequently recommended by the LAPD shall be implemented, to the extent feasible. (MM)

## **28. School Services.**

(K.3-1) The project applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area. (MM)

## **29. Parks and Recreation.**

(K.4-1) The applicant shall pay the required \$200 per dwelling unit fee paid to the Department of Building and Safety in accordance to the Dwelling Unit Construction Tax required by the Los Angeles Municipal Code Section 21.10.3(b). (MM)

(K.4-2) The project applicant shall comply with the obligation to pay Quimby/Park fees as required by Los Angeles Municipal Code Section 17.12. (MM)

## **30. Library Services.**

(K.5-1) The project applicant shall pay a mitigation fee of \$200 per capita based on the projected population of the development to the Los Angeles Public Library to offset the impact of additional library facility demand in the project area. (MM)

## **31. Water Supply.**

(M.2.-2) The project developer shall install either a "smart sprinkler" system to provide irrigation for the landscaped areas or, at a minimum, set automatic irrigation timers to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler run times shall be adjusted to avoid water runoff, especially when irrigating sloped property. (MM)

(M.2.-3) The project developer shall select and use drought tolerant, low water consuming plant varieties to reduce irrigation water consumption. (MM)

(M.2.-4) The project developer shall install ultra-low flush water toilets and water saving showerheads in new construction. Low-flow faucet aerators should be installed on all sink faucets. (MM)

(M.2.-5) The availability of recycled water shall be investigated as a source to irrigate large landscaped areas. (MM)

(M.2.-6) Significant opportunities for water savings exist in air conditioning systems that utilize evaporative cooling (i.e., employ cooling towers). LADWP shall be contacted for specific information on appropriate measures. (MM)

**32. Solid Waste.**

- (M.3-1) The construction contractor shall only contract for waste disposal services with a company that recycles construction related wastes. (MM)
- (M.3-2) To facilitate the onsite separation and recycling of construction related wastes, the construction contractor shall provide temporary waste separation bins onsite during construction. (MM)

**33. Electricity.**

- (M.5-1) The proposed project shall be required to comply with Title 24 energy conservation standards for insulation, glazing, lighting, shading, water and space heating systems in all new construction. (MM)

**34. Single Family Dwelling (10+ Home Subdivision/Multi Family).**

Environmental impacts may result from the development of this project. However, the potential impacts will be mitigated to a level of insignificance by incorporating stormwater pollution control measures. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>).

- Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- Preserve riparian areas and wetlands.
- Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
- Guest parking lots constitute a significant portion of the impervious land

coverage. To reduce the quantity of runoff, parking lots can be designed one of two ways.

- □ Hybrid Lot - parking stalls utilize permeable materials, such as crushed aggregate, aisles are constructed of conventional materials such as asphalt.
- □ Parking Grove - is a variation on the permeable stall design, a grid of trees and bollards are added to delineate parking stalls. This design presents an attractive open space when cars are absent, and shade when cars are present.
- Promote natural vegetation by using parking lot islands and other landscaped areas.
- Paint messages that prohibits the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- Promote natural vegetation by using parking islands and other landscaped areas.
- All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as ANO DUMPING - DRAINS TO OCEAN@) and/or graphical icons to discourage illegal dumping.
- Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- Legibility of stencils and signs must be maintained.
- Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- The storage area must be paved and sufficiently impervious to contain leaks and spills.
- The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- Runoff from hillside areas can be collected in a vegetative swale, wet pond, or extended detention basin, before it reaches the storm drain system.
- Cut and fill sloped in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet

of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.

- The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer=s instructions.

**C. Supplemental Mitigation Measures.** The following Supplemental Mitigation Measures shall supersede the Conditions of Approval (Mitigation Measures) contained above as they apply to EMI/Capitol Records to the extent there is an inconsistency between them.

**35. Construction Related Measures.**

(I-12S) Within 40 feet of the western project site property line with EMI/Capitol Records, demolition, excavation and construction activities at or below the street level of the project site (including loading of demolition refuse), grading equipment and activities, augured pile drilling, vibratory rollers, jumping jack compactors, and other excavation and construction equipment and activities shall be prohibited after 10:00 a.m. Mondays through Saturdays, unless one of the following exceptions apply (MM):

- c. The EMI/Capitol Records recording studios and echo chambers are not in use; or
- d. It can be demonstrated (in coordination with EMI/Capitol Records) that any such demolition, grading, excavation, or construction activity or equipment will not result in sound within the echo chambers of more than 20 dBA energy averaged over any 5 minute period and a maximum of 25 dBA slow meter response.

(I-13S) Within 40 feet of the western project site property line with EMI/Capitol Records, demolition, excavation, and construction activities at or below the street level of the project site (including loading of demolition refuse), grading equipment and activities, augured pile drilling, vibratory rollers, jumping jack compactors, and other excavation and construction equipment and activities shall be prohibited during the one-week period leading up to and including the Grammy, Emmy, and Oscar awards, unless one of the following exceptions apply(MM):

- c. The EMI/Capitol Records recording studios and echo chambers are not in use; or
- d. It can be demonstrated (in coordination with EMI) that any such demolition, grading, or excavation activity or equipment will not result in sound within the echo chambers of more than 20 dBA energy averaged over any 5 minute period and a maximum of 25 dBA slow meter response.

(I-14S) Loading of refuse will be accomplished through the use of rubber tired equipment. Every effort will be made during the loading and removal operation to

reduce noise from any operated equipment. Trucks will be staged and loaded at the Argyle Street curb and driveway. (MM)

- (I-15S) Driven soldier piles are prohibited; augured piles are permitted. (subject to the conditions set forth in Supplemental Mitigation Measures 12 and 13 above) (MM)
- (I-16S) Tracked loaders and dozers and other similar tracked equipment are prohibited; wheeled loaders and dozers other similar wheeled equipment are permitted. (subject to the conditions set forth in Supplemental Mitigation Measures 12 and 13 above) (MM)
- (I-17S) Rubber tired equipment will be used during excavation, with the possible exception of a tracked "back-hoe-type" excavator (with rubber track pads and/or sound deadening blankets utilized) which may speed excavation and cause less vibration. Any tracked excavator shall be operated at the lowest possible gear at lowest possible speed. (All equipment is subject to the conditions set forth in Supplemental Mitigation Measures 12 and 13 above.)(MM)
- (I-18S) No stationary equipment will be operated within 40 feet of the western project site property line with EMI/Capitol Records. Tower cranes and personnel lifts shall be positioned near Argyle on the eastern edge of the project site. (MM)
- (I-19S) Construction materials shall be stock-piled at distant portions of the site, at least 40 feet from the western project site property line with EMI/Capitol Records. The equipment warm-up areas, water tanks and equipment storage areas described in Mitigation Measure I-5 above shall also be located at least 40 feet from the western project site property line with EMI/Capitol Records. (MM)
- (I-20S) All plans and specifications and construction means and methods (including plans and specifications submitted to the City of Los Angeles Department of Building & Safety regarding the neoprene foam liner and miradrain system referenced in Mitigation Measure Supp 26) shall be provided to EMI/Capitol Records for review concurrently with their submission to the City of Los Angeles Department of Building & Safety. (MM)
- (I- 21S) The Applicant shall secure a "Noise/Vibration" expert and notify EMI/Capitol Records of the name and contact information for such expert. The "Noise/Vibration" expert shall review the construction plans and specifications and shall prepare a "best practices" report with regards to demolition and construction activities as they relate to noise and vibration. The expert shall also review the construction schedule and inform the contractor of activities and equipment likely to cause excessive ground borne noise and/or vibration during construction. The "best practices" report shall be provided to the City of Los Angeles Department of Building & Safety, EMI/Capitol Records, and the construction manager prior to initiation of any demolition, excavation or construction of the project, and the recommendations in the report shall be followed. The duties required of the "Noise/Vibration" expert in this measure shall not require the "Noise/Vibration" expert to be present on-site at all times so long as the duties herein required. (MM)



- (I-22S) Prior to initiation of demolition, excavation or construction activities on the project site, the Applicant shall designate in writing to EMI/Capitol Records a contact person with the contractor, including such person's cell phone number, that will be on-site, available and have the authority to control construction activities, and who is the person that EMI/Capitol Records shall contact if there is interference with recording activities at EMI/Capitol Records studios or echo chambers. If at any time during demolition, excavation or construction of the project EMI/Capitol Records notifies such contact person that construction activity is interfering with a recording session, the contractor shall promptly take all necessary measures to identify and modify the activity causing the interference so that the interference ceases and the recording session may continue without further delay and the interference does not recur.

If there are two documented incidents of interference that are not satisfactorily resolved with the Applicant's construction contact in such a manner that recording operations at EMI/Capitol Records can continue, and such documentation is provided by EMI/Capitol Records to the Applicant, the City of Los Angeles Department of Building & Safety and Council Office for District 13, then the City of Los Angeles Department of Building & Safety shall immediately respond by going to the project site to identify and instruct the contractor to modify the activity causing the interference so that interference ceases and develop an action plan for moving forward with construction in a manner that will not interfere with recording operations at EMI/Capitol Records. (MM)

- (I- 23S) In addition to the measures provided in Mitigation Measure Supp 22 above, in the event that recording activities at EMI/Capitol Records are interrupted during demolition, excavation or construction and a resolution cannot be reached between the contractor and EMI/Capitol Records, the "Noise/Vibration" expert shall be immediately contacted and shall first verify if the interruption is caused by construction activity and then make additional recommendations regarding how to further reduce or eliminate interruption to EMI/Capitol Records' recording operations. These recommendations shall be provided to and discussed with the City of Los Angeles Department of Building & Safety and EMI/Capitol Records. (MM)
- (I-24S) All mitigation measures restricting construction activity will be posted at the Site and all construction personnel will be instructed and regularly reminded as to the nature of the noise and vibration mitigation measures. (MM)
- (I-25S) The Applicant, its contractor and the "Noise/Vibration" expert shall coordinate with EMI/Capitol Records relative to recording and construction activity schedules. During the construction period, the Applicant shall establish a schedule to meet with EMI/Capitol Records at least once per week during construction. The Applicant shall provide EMI/Capitol Records a detailed construction schedule, including scheduled construction equipment, and the Applicant shall request the recording schedule of EMI/Capitol Records' use of the studios and echo chambers during the same period. Without in any manner limiting the scope of other Supplemental Mitigation Measures, the Applicant shall use best efforts to coordinate in good faith with EMI/Capitol Records to avoid use

of construction equipment and avoid construction activities that cause significant noise and vibration impacts during hours shown on the schedule provided by EMI/Capitol Records and during EMI/Capitol Records' special events. (MM)

**36. Operational Noise – Periodic.**

- (I-26S) A not less than two-inch thick closed cell neoprene foam liner will be applied to exposed excavation or lagging at the western project site property line with EMI/Capitol Records provided that: (1) the liner is approved for this use by the City of Los Angeles Department of Building & Safety (if not so approved, then an equivalent product approved for this use by the City of Los Angeles Department of Building & Safety shall be applied) and (2) a Miradrain system (or equivalent product) for drainage and waterproofing will be installed per manufacturer recommendations. A 10 to 12 inch thick shotcrete basement wall will then be built. If operation of the project, including normal traffic in the underground garage exceeds the threshold of 1) 20 dBA energy averaged over any 5 minute period and 2) a maximum of 25 dBA slow meter response, then the Applicant shall take such measures to reduce the impact below the above thresholds. (MM)
- (I-27S) Noise and vibration generating equipment such as cooling towers and HVAC systems shall either be located on the roof of the structure or shall be located at a distance of not less than 40 feet from the EMI/Capitol Records property line, unless it can be demonstrated (in coordination with EMI/Capitol Records) that any such equipment will not result in sound within the echo chambers of more than 20 dBA energy averaged over any 5 minute period and a maximum of 25 dBA slow meter response. (MM)

**D. Administrative Conditions.**

- 37. 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.
- 38. 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.
- 39. 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.
- 40. 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.

41. **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.
42. **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.
43. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, design or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board
44. **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.
45. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act the applicant and any future owners, successors, heirs or assigns shall provide the Department of City Planning with status reports for assessing and ensuring the efficacy of the mitigation measures (Environmental Conditions) required herein. Within 30 days of the effective date of this land use entitlement and prior to any Department of City Planning clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Department of City Planning which defines specific reporting and/or monitoring requirements to be enforced during project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of project implementation as follows:
- i. Pre-construction (prior to issuance of a building permit);
  - ii. Construction (prior to certificate of occupancy); and
  - iii. Post-construction/maintenance (post-issuance of certificate of occupancy).
- b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Department of City Planning and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Department of City Planning regarding compliance with post-construction/maintenance conditions.

- c. If the environmental conditions include post-construction/maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.
  
- d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Department of City Planning for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.

**Condition of Approval.**

**Development (D) Limitation.** The subject site shall be developed at a Floor Area Ratio (FAR) not to exceed 4.5:1.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles at its meeting of \_\_\_\_\_.

KAREN E. KALFAYAN, Interim City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

\_\_\_\_\_  
ROCKARD J. DELGADILLO, City Attorney

Pursuant to Sec. 559 of the City Charter,  
**I approve** this ordinance on behalf of the City  
Planning Commission and recommend its  
adoption...

By \_\_\_\_\_  
\_\_\_\_\_  
City Attorney

June 27, 2008  
See attached report

File No. C.F. 08-0550  
CPC-2006-7068

*S. Gail Goldberg*  
\_\_\_\_\_  
S. Gail Goldberg  
Director of Planning

## FINDINGS

### 1. General Plan/Charter Findings.

The subject property is located within the Hollywood Community Plan, which was adopted by the City Council on Dec. 13, 1988 (Case No. CPC 18473). The Plan map designates the subject property Regional Center Commercial, with corresponding zones of C4, C2, P and PB.

### 2. Entitlement Findings.

**one Zone Change and Height District Change Findings.** *Pursuant to Section 12.32C7 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.*

- a. The requested Zone and Height District change from C4-2D-SN to C4-2D-SN is consistent with the prevailing zoning of the immediate area, is within the range of permitted/corresponding zones (which include C2, C4, P and PB) for, and is consistent with, the existing General Plan Land Use designation of Regional Center Commercial.

The proposed project is located within the CRA Redevelopment Project Area, the Hollywood Signage Supplemental Use District and the Hollywood Community Plan area. The recommended zone change from C4-2D-SN to (T)(Q)C4-2D-SN, will amend the existing D (Development) Limitation, (limiting maximum FAR to 3:1), but will be in compliance with the intent of the Hollywood Community Plan, and with the LA/CRA's Redevelopment Project Plan, which both allow for a maximum FAR of 4.5:1. Section 506.2.3 of the Redevelopment Plan provides that development projects within the Regional Center Commercial area shall not exceed an FAR of 4.5:1 as a by-right threshold. This reflects the maximum 4.5: 1 FAR allowed in areas designated as Regional Center Commercial area within the Hollywood Community Plan. The Applicant proposes a development that will have a 4.5: 1 FAR, which will exceed the 3: 1 FAR set by the D Limitation, but meets the 4.5: 1 FAR permitted by right in the Redevelopment Plan and Hollywood Community Plan.

The existing D Limitation conflicts with the Redevelopment Plan and the Community Plan. The Hollywood Community Plan is currently being updated and will effectively resolve issues such as this. The proposed project is consistent with proposed plans to encourage redevelopment within the Hollywood Plan area. Additionally, the existing D Limitation supposes the adoption of plans that as of the date of this request, have not been adopted, such as a Transportation Program (to be adopted by the CRA), a Hollywood Boulevard District urban design plan, and Designs for Development also to be adopted by the CRA. The current D Limitation also requires that an Agreement with the CRA Board be executed to obtain any additional FAR over 3:1. The Project will be submitted to the CRA for review as Conditioned by this request, and is subject to all applicable requirements of the Redevelopment Project Area Plan.

- b. The action, as recommended, has been made contingent upon compliance with the "T" and "Q" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

3. **Adjustment Findings. Pursuant to Section 12.28 of the Municipal Code, an Adjustment to permit** (a) zero foot side yard setbacks in lieu of the minimum 16 foot side yards otherwise required, and (b) a zero foot rear yard in lieu of the minimum 20 foot rear yard otherwise required.

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

The subject site is located at the southwest corner of Argyle Avenue and Yucca Street, one block north of Hollywood Boulevard and one block east of Vine Street, within the Hollywood Community Plan area and the LACRA Hollywood Redevelopment area. The subject site is a rectangular shaped lot approximately 25,476 square feet in size. Surrounding parcels are developed with office, commercial and multiple family residential uses. The subject site is zoned C4-2D-SN with a Land Use Designation of Regional Center Commercial.

AMLAMC Section 12.22 A (c) (3) indicates, "No yard requirements shall apply to the residential portions of buildings located on lots in the CR, C1, C1.5, C2, C4, and C5 Zones used for combined commercial and residential uses, if such portions are used exclusively for residential uses, abut a street, private street or alley, and the first floor of such buildings at ground level is used for commercial uses or for access to the residential portions of such buildings." The proposed development utilizes a layout reflective of Joint Live Work units, with commercial uses at the ground level that contain direct access to its' residential portion, which will be located immediately above. The residential portions of the proposed units will be physically separated from the commercial portions, while providing direct access to each. This arrangement is necessary in order to meet Building Code requirements. Ten such units are proposed abutting Argyle Avenue and Yucca Street. The ground floor commercial portion will take direct access from the street front and will be developed at the lot line thereby preserving the pedestrian orientation along the street frontage and matching the existing yard requirements for commercial zoned development within the immediate area. The requested yard Adjustment is therefore not necessary and a Denial without Prejudice is being recommended.

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

AMLAMC Section 12.22 A (c) (3) indicates, "No yard requirements shall apply to the residential portions of buildings located on lots in the CR, C1, C1.5, C2, C4, and C5 Zones used for combined commercial and residential uses, if such portions are used exclusively for residential uses, abut a street, private street or alley, and the first floor of such buildings at ground level is used for commercial uses or for access to the residential portions of such buildings." The proposed development utilizes a layout reflective of Joint Live Work units, with commercial uses at the ground level that contain direct access to its' residential portion, which will be located immediately above. The residential portions of the proposed units will be physically separated from the commercial portions, while providing direct access to each. This arrangement is necessary in order to meet Building Code requirements. Ten such units are proposed abutting Argyle Avenue and Yucca Street. The ground floor commercial portion will take direct access from the street front and will be developed at the lot line thereby preserving the pedestrian orientation along the street frontage and matching the existing yard requirements for commercial zoned development within the immediate area. The requested yard Adjustment is therefore not necessary and a Denial without Prejudice is being recommended.



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

AMLAMC Section 12.22 A (c) (3) indicates, "No yard requirements shall apply to the residential portions of buildings located on lots in the CR, C1, C1.5, C2, C4, and C5 Zones used for combined commercial and residential uses, if such portions are used exclusively for residential uses, abut a street, private street or alley, and the first floor of such buildings at ground level is used for commercial uses or for access to the residential portions of such buildings." The proposed development utilizes a layout reflective of Joint Live Work units, with commercial uses at the ground level that contain direct access to its' residential portion, which will be located immediately above. The residential portions of the proposed units will be physically separated from the commercial portions, while providing direct access to each. This arrangement is necessary in order to meet Building Code requirements. Ten such units are proposed abutting Argyle Avenue and Yucca Street. The ground floor commercial portion will take direct access from the street front and will be developed at the lot line thereby preserving the pedestrian orientation along the street frontage and matching the existing yard requirements for commercial zoned development within the immediate area. The requested yard Adjustment is therefore not necessary and a Denial without Prejudice is being recommended.

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

AMLAMC Section 12.22 A (c) (3) indicates, "No yard requirements shall apply to the residential portions of buildings located on lots in the CR, C1, C1.5, C2, C4, and C5 Zones used for combined commercial and residential uses, if such portions are used exclusively for residential uses, abut a street, private street or alley, and the first floor of such buildings at ground level is used for commercial uses or for access to the residential portions of such buildings." The proposed development utilizes a layout reflective of Joint Live Work units, with commercial uses at the ground level that contain direct access to its' residential portion, which will be located immediately above. The residential portions of the proposed units will be physically separated from the commercial portions, while providing direct access to each. This arrangement is necessary in order to meet Building Code requirements. Ten such units are proposed abutting Argyle Avenue and Yucca Street. The ground floor commercial portion will take direct access from the street front and will be developed at the lot line thereby preserving the pedestrian orientation along the street frontage and matching the existing yard requirements for commercial zoned development within the immediate area. The requested yard Adjustment is therefore not necessary and a Denial without Prejudice is being recommended.

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

AMLAMC Section 12.22 A (c) (3) indicates, "No yard requirements shall apply to the residential portions of buildings located on lots in the CR, C1, C1.5, C2, C4, and C5 Zones used for combined commercial and residential uses, if such portions are used exclusively for residential uses, abut a street, private street or alley, and the first floor of such buildings at ground level is used for commercial uses or for access to the residential portions of such buildings." The proposed development utilizes a layout reflective of Joint Live Work units, with commercial uses at the ground level that contain direct access to its' residential portion, which will be located

immediately above. The residential portions of the proposed units will be physically separated from the commercial portions, while providing direct access to each. This arrangement is necessary in order to meet Building Code requirements. Ten such units are proposed abutting Argyle Avenue and Yucca Street. The ground floor commercial portion will take direct access from the street front and will be developed at the lot line thereby preserving the pedestrian orientation along the street frontage and matching the existing yard requirements for commercial zoned development within the immediate area. The requested yard Adjustment is therefore not necessary and a Denial without Prejudice is being recommended.

4. **Site Plan Review Findings.** Pursuant to Section 16.05 F of the Municipal Code.

a. ***The project complies with all applicable provisions of the Los Angeles Municipal Code, Planning and Zoning Section and any applicable specific plan.***

he The Project complies with all applicable provisions of the Planning and Zoning Code, except as may be conditioned herein.

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

he The proposed zoning is consistent with the General Plan. The Property is zoned C4-2D-SN which is a commercial designation, with a Development Limitation related to FAR, and the General Plan is Regional Center Commercial. The C4-2D-SN zone permits residential and commercial land uses such as proposed by the subject Project.

he The Project is consistent with the Hollywood Community Plan, which is an element of the General Plan, as follows:

**o To further development of Hollywood as a major center of population, employment, retail services and entertainment and to perpetuate its image as the international center for the motion picture industry.**

he The Project will provide 95 residential units as well as commercial uses. The residential component consists of market rate units in an area that will provide opportunities for residents to live near employment located within the project and within the Hollywood Community.

**To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the community, maximizing the opportunity for individual choice.**

The Project will provide 85 condominium units. The units are dispersed into studio, one and two bedroom units. This combination results in a wide variety of housing choices that satisfy various income levels and sizes of units. Additionally, 10 Commercial units with residential above are proposed. These units can accommodate home occupations and thereby usage by a special segment of the Hollywood Community.

**To promote economic well being and public convenience through allocating and distributing commercial lands for retail service and office facilities in quantities and patterns based on accepted planning principals and standards.**

This Project will serve to meet this goal by developing a mixed-use project on an underutilized parcel adjacent to existing commercial and multiple family residential uses and proximity to a public transit hub at Hollywood and Vine. The proposed Project will turn an existing vacant building with surface parking into a neighborhood serving, pedestrian oriented, retail and residential use, thereby encouraging economic well being and public convenience for the Hollywood Center community.

***c. The project is consistent with any applicable adopted redevelopment plan.***

The Project is consistent with the Hollywood Redevelopment Plan. Section 506.2.3 of the Hollywood Redevelopment Plan provides that for development in the Regional Center Commercial area the density shall not exceed a FAR of 4.5: 1. The Project density is proposed to be 4.5:1. In addition to maintaining the Project FAR within the FAR set forth in the applicable section of the Redevelopment Plan, the project has been conditioned to meet all applicable requirements of the Redevelopment Plan. A number of the goals and objectives of the Redevelopment Plan are met as follows:

**To concentrate high intensity and or density development in areas with reasonable proximity or direct access to high capacity transportation facilities or which effectively utilize transportation demand management programs.**

The Project is located northeast of the MT A subway portal at the Hollywood and Vine Red Line station. Also, major bus routes exist on Vine Street, and on Hollywood Boulevard, one block east and south of the Project, respectively. All of these immediate transportation outlets provide maximum opportunity for residents to utilize mass transportation facilities for shopping and traveling to nearby job centers in Hollywood, the San Fernando Valley, and downtown Los Angeles.

**To encourage the development of residential uses within the Regional Center Commercial land use designation.**

The proposed Project consists of a mix of commercial and residential uses and provides 95 residential units. The project is located at the corner of Argyle Avenue and Yucca Street, is zoned C4-2D-SN and has a land use designation of Regional Center Commercial.

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

**Bulk, height and setbacks**

There are no setbacks required for commercial uses located within the C4 Zone. There are no residential setbacks required for mixed-use projects when the ground floor is dedicated to commercial uses or provides access to the residential uses also as permitted by LAMC Section 12.22A18(c)(3). Ten units are proposed abutting the Yucca St and Argyle Ave frontages. These units contain a commercial portion on the ground floor and direct access to residential use above. The Project's height will be 16 stories and approximately 189 feet. Further, the proposed building is oriented north to south, so that the

impacts to the Capitol Records building, located to the immediate west, and the Hollywood sign, are minimized.

The Project's development components are compatible with existing and proposed developments on the neighboring properties. Several high-rise buildings are present in the vicinity, including the adjacent 22-story Sunset Media Tower and the 18-story Sunset and Vine Tower to the south as well as the 12-story Taft Building, the Equitable Building, Hollywood Broadway Building, and the Capitol Records Building. Additionally, the development on the adjacent site to the north by the Legacy Partners Group is estimated to be developed at heights of 75 to 130 feet. Further, the proposed mixed retail and residential uses of the Project would be compatible with the existing uses in the area, including the Sunset and Vine mixed-use building, the future Legacy Partners mixed-use Project to the north and the W Hotel project at Hollywood and Vine. The Project would provide neighborhood serving retail to serve nearby residential neighborhoods and would introduce new residential uses to support existing commercial uses.

#### Off-street parking

There are 242 on-site parking spaces provided within six subterranean levels.

#### Loading areas

The commercial component of the Project will provide commercial loading off of Argyle Avenue as pre-approved by the Los Angeles Department of Transportation (the "LADOT"). The residential component of the Project also allows a curbside loading area off of Argyle Avenue to serve larger vehicles used for furniture transport. The location of the loading areas off of Argyle Avenue provides the least conflict with pedestrian and vehicle traffic around the Project site. Both Vine Street and Selma Avenue are more heavily traveled due to their pedestrian orientation and access to the public transit facilities at Hollywood and Vine.

#### Lighting

All lighting will be directed onsite to avoid any harsh glare or reflections to surrounding properties.

#### Landscaping

Open space will be landscaped with trees, shrubs and ground cover and street trees will be provided in excess of City requirements.

#### Trash collection

The trash collection facilities will be located inside of the garage area of the driveway/lobby level of the building.

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

Environmental Impact Report No. ENV-2006-6941-EIR was prepared and contains mitigation and mitigation monitoring measures as related to the subject request.

- f. Any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate. (For Residential Projects Only.)***

pproximately 18,989 square feet of open space is proposed. On the deck level, 6,581 square feet consisting of pool, spa, barbeque area, changing rooms, fireplace, paved and garden area is being provided.

**5. Environmental Findings.**

A Final Environmental Impact Report ("Final EIR) has been completed for the proposed Yucca Street Condominium Project pursuant to the requirements of the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. (CEQA), and the State of California and City of Los Angeles CEQA Guidelines. . A Notice of Preparation of an EIR for the Project was distributed on October 4, 2006. A Initial Study for the Project was prepared in December of 2006 and is attached to the administrative file (see Appendix A). A Draft Environmental Impact Report was prepared and circulated for a 45-day public review period, as required by CEQA, from April 9, 2007 to May 24, 2007.

The DEIR included an analysis of the following environmental Issues areas: Land Use; Aesthetics, Light and Glare; Cultural Resources; Transportation/Circulation; Air Quality; Noise; Geology/Soils; Hydrology/Water Quality; Hazards and Hazardous Materials, Population and Housing, Public Services, Transportation/Traffic and Utilities.

The Final EIR (FEIR), was completed in July of 2007. Pursuant to Section 15088 of the State CEQA Guidelines, the City reviewed all comments received during the review period for the Draft EIR. Each of these written comments has been responded to and is contained within Section II Response to Comments of the FEIR. There were no Clarifications or Modifications associated with the DEIR, (see Chapter III of the FEIR).

On the basis of the data and analyses contained in the FEIR, and other evidence in the administrative record relating to the Project, the City hereby makes the following findings with respect to the Project:

1. The Final EIR was prepared in compliance with CEQA.
2. Each and all of the Findings and Determinations contained in this document are based upon competent and substantial evidence, both oral and written, contained in the entire record relating to the Project and the Final EIR. The Findings and Determination constitute the independent Findings and Determinations of the city in all respects and are fully and completely supported by substantial evidence. All of the language included in this document constitutes Findings by the City, whether or not any particular sentence or clause includes a statement to that effect.
3. All summaries of information and the Findings to follow are based on the Final EIR, the Project (and every component thereof), and/or other evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular Finding is not based in part on that fact. The summaries of information below are only summaries. Cross-references to the Final EIR and other evidence in the record have been made where helpful, and reference should be made directly to the Final EIR, and other evidence in the record for more precise information regarding the facts on which any summary is based. In addition, unless noted or

stated otherwise, the rationale for the Findings is that set forth in the Final EIR (including the responses to comments), or elsewhere in the administrative record.

4. The City hereby incorporates by reference the Attachment "A" entitled, Mitigation Monitoring Program, in support of these Findings.
5. The City certifies that the information contained in the Final EIR has been reviewed and considered by the City Planning Commission.
6. With respect to "Less Than Significant" impacts analyzed in the Draft EIR, the City finds and determines that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed:
  - A. **Agricultural Resources.** The rationale for the decision that the Project would not result in significant impacts including cumulative impacts, with respect to Agricultural Resources and the evidence supporting it are set forth in Section IV Impacts Found to be Less Than Significant of the Draft EIR.
  - B. **Biological Resources.** The rationale for the decision that the Project would not result in significant impacts including cumulative impacts, with respect to Biological Resources and the evidence supporting it are set forth in Section IV Impacts Found to be Less Than Significant of the Draft EIR.
  - C. **Mineral Resources.** The rationale for the decision that the Project would not result in significant impacts including cumulative impacts, with respect to Mineral Resources and the evidence supporting it are set forth in Section IV Impacts Found to be Less Than Significant of the Draft EIR.
7. With respect to the following "Potentially Significant" impacts analyzed in the Draft EIR, the City finds and determines that the mitigation measures described in the Final EIR will reduce these potentially significant impacts to below the level of significance:
  - A. **Air Quality-Construction.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Air Quality - Construction associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.
  - B. **Cultural Resources-Archeological and Paleontological Resources and Human Remains.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Cultural Resources-Archeological and Paleontological Resources and Human Remains associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.
  - C. **Geology and Soils.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Geology and Soils associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.

- D. **Hazards and Hazardous Materials.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Hazards and Hazardous Materials associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.
- E. **Hydrology and Water Quality.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Hydrology and Water Quality associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.
- F. **Land Use.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Land Use associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.
- G. **Fire Services.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Fire Services associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.
- H. **Police Services.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Police Services associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.
- I. **School Services.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to School Services associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.
- J. **Library Services.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Library Services associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.
- K. **Water Supply.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Water Supply associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.
- L. **Solid Waste.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Solid Waste associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.

M. **Electricity.** With implementation of the mitigation measures recommended in the Final EIR, impacts, including cumulative impacts, related to Electricity associated with the Project, will be less than significant. The rationale for the decision and the evidence supporting it are set forth in Section I.F Summary of Environmental Impacts and Mitigation Measures of the Final EIR.

8. The City finds and determines that the Project will have the following significant, unavoidable impact(s):

A. **Noise-Construction Impacts.** As set forth in the Final EIR, even after implementation of all feasible mitigation measures, the Project will result in significant unavoidable impacts to Noise-Construction resources.

he rationale for the City's decision and the evidence supporting it are set forth in Section 5a Significant and Unavoidable Environmental Effects of the CEQA Findings and Statement of Overriding Considerations.

B. **Parks and Recreation.** As set forth in the Final EIR, even after implementation of all feasible mitigation measures, the Project will result in significant unavoidable impacts to Parks and Recreation resources.

he rationale for the City's decision and the evidence supporting it are set forth in Section 5a Significant and Unavoidable Environmental Effects of the CEQA Findings and Statement of Overriding Considerations.

C. **Aesthetics.** As set forth in the Final EIR, even after implementation of all feasible mitigation measures, the Project will result in significant unavoidable impacts to Aesthetic resources.

he rationale for the City's decision and the evidence supporting it are set forth in Section 5a Significant and Unavoidable Environmental Effects of the CEQA Findings and Statement of Overriding Considerations

9. No additional environmental impacts other than those identified above will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the Project.

he City finds and determines that all significant environmental impacts identified in the Final EIR for the construction and operation of the Project have been reduced to an acceptable level in that:

- a. All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the Project design features and/or mitigation measures; and
- b. Based on the Final EIR, the amended Statement of Overriding Considerations and other documents and information in the record with respect to the construction and operation



of the Project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the Project as described in Attachment "A" as its Statement of Overriding Considerations for the construction and operation of the Project and implementing actions.

10. **Alternatives.** Three alternatives were considered and evaluated in the Final EIR; The alternatives are: (1) No Build/Project Alternative and Adaptive re-Use Project/No Project Alternative; (2) Reduced Density Alternative, (3) Office Development Alternative. A fourth alternative, identified as the Mixed Use Alternative was not continued further as it was determined to be economically infeasible

The "No Project" alternative would be the environmentally superior alternative. However, in accordance with Section 15126.6(e)(2) of the *CEQA Guidelines*, if the environmentally superior alternative is the No Project Alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. In this case, none of the alternatives presented would avoid significant unavoidable impacts. However, Alternative 2, the Reduced Density Alternative is considered to be the environmentally superior alternative, since it would reduce the proposed project's significant construction noise impacts and would slightly reduce the cumulatively considerable contributions to significant cumulative impacts with respect to views of the Capitol Records Tower and parks and recreational facilities compared to the proposed project. However, these impacts, like the proposed project, would remain significant and unavoidable.

**Alternative 1: No Build/Project Alternative and Adaptive Re-Use Project/No Project Alternative.**

Under the No Project (No Build) Alternative, the project site would remain developed with the 18,614 square foot building and surface parking lot. The existing building would continue in its current state and would remain vacant. This variation of the No Project Alternative assumes the continuation of existing conditions on the project site as well as the development of the related projects. Under the Adaptive Re-Use Alternative, the existing 18,614 square foot structure would remain onsite and would be structurally repaired and renovated for re-uses and occupancy as office space. The existing parking lot would remain and serve the site for re-use.

**Alternative 2: Reduced Density Alternative.**

Under the Reduced Density Alternative, the project site would be developed with a residential development similar to the proposed project, but without the office component. However, the number of residential units would be reduced by approximately a third (33 percent) when compared to the proposed project. A total of 64 residential units (seven live/work units and 57 condominium units) would be provided. The height of the buildings would also be reduced by five stories, to a maximum of approximately 121 feet. Parking would be located in two subterranean levels and one and a half above grade parking levels, with a total of approximately 160 parking spaces. All other aspects of the project would be the same as described under the proposed project.

**Alternative 3: Office Development Alternative.**

Under the Office Development Alternative, the project site would be developed as an office building, with no residential or retail uses. The alternative development would have the same total square footage as the proposed project with 114,652 square feet of space; however, all of it would be dedicated to office use. This amount of office use would require larger floor plates of

approximately 20,000 square feet in order to meet market demand. However, the office tower under this alternative would be considerably wider and more massive looking than the tall, thin building of the proposed project. Thus, the height of the building under this alternative would be less than the proposed project at nine stories, and 135 feet. Based on market demand for office space parking, three spaces for every 1,000 square feet of combined gross floor area for commercial office development on any lot located in the Hollywood Redevelopment Project area would be required. Approximately 385 parking spaces would be required and parking would be required and parking would be located in three subterranean levels and four above grade parking levels

11. Section 15126.2(c) of the State's CEQA Guidelines requires consideration of the uses of non-renewable resources during the Initial and continued phases of the Project that may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely.

As set forth in Section V. General Impact Categories of the Final EIR,. The types and level of development associated with the proposed project would consume limited, slowly renewable and non-renewable resources. This consumption would occur during construction of the proposed project and would continue throughout its operational lifetime. The development of the proposed project would require a commitment of resources that would include (1) building materials, (2) fuel and operational materials/resources and (3) the transportation of goods and people to and from the project site.

Construction of the proposed project would require consumption of resources that are not replenishable or which may renew slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), petrochemical construction materials (e.g., plastics) and water. Fossil fuels, such as gasoline and oil, would also be consumed in the use of construction vehicles and equipment.

The commitment of resources required for the type and level of proposed development would limit the availability of these resources for future generations for other uses during the operation of the proposed project. However, this resource consumption would be consistent with growth and anticipated change in the Los Angeles region.

12. Section 15126.2(d) of the CEQA Guidelines requires consideration of the ways that a proposed project could be considered growth inducing. Growth inducing impacts are characteristics of a project that could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the area surrounding the project site.

As set forth in Section V of the Final EIR, The proposed project would foster economic growth and revitalize a blighted and underutilized area by adding residents and businesses to the project site. These residents could, in turn, patronize existing local businesses and services in the area. Additionally, as described under Population/Housing in Section IV.J, short-term and long-term employment opportunities would be provided during the construction and operation of the proposed project.

The proposed project would increase the permanent population of the area by approximately 219 persons. The increased residential population would patronize local businesses and services in the area, which would foster economic growth. As shown in Section IV.J, the proposed project's impacts on population, housing and employment would be less than

significant. In addition, the proposed project would not induce growth in an area that is not already developed with infrastructure to accommodate such growth. Off-site utility infrastructure adjacent to the sites would adequately service the proposed project. Further, the proposed project, as an in-fill development, would be adequately served by existing public services such as fire, police, and public schools.

13. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency allows the occurrence of significant impacts identified in the Final EIR which are not mitigated to below the level of significance, the City must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Accordingly, the City hereby adopts Attachment "A" as the Statement of Overriding Considerations.

The Final EIR identified and discussed significant impacts that will occur as a result of the Project. Significant impacts have been reduced to below the level of significance by the incorporation of mitigation measures. The significant environmental impacts which remain cannot be reduced to below the level of significance because specific economic, legal, social, technological or other considerations described herein make infeasible the mitigation measures or Project alternative identified in the Final EIR, and/or because no mitigation measures exist which would reduce those environmental impacts below the level of significance. Specifically, the impacts which cannot be reduced to below the level of significance are:

- (a) Construction Noise: With respect to construction noise and vibration, the Capitol Records Tower is a sensitive receptor, located approximately 75 feet to the southwest of the project site. The Capitol Records Tower contains recording studios and equipment which are very sensitive to noise. Even though office buildings and other commercial facilities are generally not considered sensitive receptors and even though the recording facilities are likely insulated against noise, due to presence of sensitive recording equipment which could be affected during the demolition and excavation phases of the proposed project, this use is conservatively considered a sensitive receptor. Project construction-related noise levels at these residences may exceed 86 dBA Leq during site grading, excavation, and finishing. Based on criteria established in the Draft CEQA Threshold Guide, construction activities lasting more than one day, which would increase ambient exterior noise levels by 10 dBA or more at a noise sensitive use, may result in a potentially significant impact. Although construction hours would be regulated, activities at the Capitol Records Tower may be impacted during various phases of the development of the proposed project, thus resulting in a significant and unavoidable impact.
- (b) Parks and Recreation: The proposed project would result in a net increase of approximately 219 permanent residents to the project site, as is discussed in Section IV.J, Population and Housing. Though the proposed project would provide approximately 14,806 square feet of open space, the net project population increase would generate additional demand for recreation and park services when the project is complete. Applying the long range planning goal in the Public Recreation Plan of four acres of parkland per 1,000 residents, the additional residents created by the project would demand an equivalent of 0.88 acres of recreational space and uses.

The parkland to resident ratio for both the Hollywood CPA and the City of Los Angeles falls below the City's preferred standard of four acres per 1,000 residents at 0.41 and 0.74 acres per 1,000 residents, respectively. The flat portions of the Hollywood CPA is completely urbanized and built out with commercial and residential uses. However, the LADRP is in the process of developing Lexington Pocket Park II, located at 5707 Lexington Avenue, which would add additional parkland acreage to the Hollywood CPA. However, because there is a current substantial parkland deficit in the Hollywood CPA and the proposed project would further

contribute to the deficit; proposed project impacts associated with the need for new parkland would result in a potentially significant impact.

- (c) Aesthetics. The Capitol Records Building is located approximately 75 feet to the southwest of the project site. The Hollywood Freeway (101) is located approximately 300 feet to the northeast of the subject site, placing it between the Capitol Records building and the 101 Freeway. The Capitol Records Building, (City of Los Angeles Historic Monument No. LA-857), an iconic feature within the Hollywood District is visible to motorists traveling north and south along the 101 Freeway. Development of the proposed project would result in a partial obstruction of views of the Capitol Records building for motorists traveling northbound on the 101 Freeway. While this interruption of views to the Capitol Records building would be temporary, there is no mitigation possible to reduce the impact and would therefore result in potentially significant impact.

Having reduced the effects of the Project by adopting all feasible mitigation measures and having balanced the benefits of the Project against the Project's potential and unavoidable adverse impacts, the City hereby determines that the adverse impacts, and the unavoidable adverse impacts, are nevertheless "acceptable", based on the Statement of Overriding Considerations found in Attachment "A".

For all these reasons, the City finds that there are specific economic, legal, social, technological, planning and other considerations associated with the Project that serve to override and outweigh the Project's unavoidable significant effects and, thus, the adverse impacts are considered acceptable.

#### 14. Mitigation Monitoring Program

Section 21081.6 of the Public Resources Code and Section 15091(d) of the State CEQA Guidelines require that when a public agency is making Findings required by Section 21081 of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the public agency shall adopt a reporting or monitoring program for the mitigation measures which have been made part of this Project.

The City hereby adopts Section IV of the FEIR as its Mitigation Monitoring Program for the Project and Finds that the Project meets the mitigation monitoring program requirement of Section 21081.6 of the Public Resources Code.

The City hereby Finds and determines that the Mitigation Monitoring Program provides for the implementation and monitoring of the Project mitigation measures intended to mitigate potential environmental impacts.

15. Pursuant to Section 21082.1(c) of the Public Resources Code, the City Finds that the Final EIR reflects the independent judgment of the City as lead agency for the proposed project.

16. An Addendum to the Final EIR has been prepared to summarize additional information and supplementary mitigation measures regarding potential noise and vibration impacts of the project. Neither the technical analysis performed, nor the additional (supplemental) mitigation measures trigger any of the conditions or circumstances that would require recirculation of the EIR.

16. Section 21081.6(a)(2) of the Public Resources Code and CEQA Guidelines, Section 15091(e) require that the public agency shall specify the location of the custodian of the documents or other materials that constitute the record upon which its decision is based. Accordingly, the record and custodian of documents is based at the City of Los Angeles, Department of City Planning Department located at 200 North Spring Street, Room 575, Los Angeles, California 90012.