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ORIGINAL

March 22, 2016

VIA HAND DELIVERY

Hon. Herb Wesson, President
Los Angeles City Council
c/o Los Angeles City Clerk
200 N. Spring Street, Room 375
Los Angeles, CA 90012

CITY CLERK'S OFFICE
2016 MAR 22 AM 8:42
CITY CLERK
BY _____
CITY

Re: Denial of Due Process of Law RE: Palladium Residences Project
CPC-2014-3808-GPA-ZC-HD-CU-CUB-ZAI-SPR; VTT-72213, VTT-72213-1A,
VTT-72213-2A; ENV 2013-1938-EIR
Council File Nos. 16-0106 & 16-0106-S1

Hon. President Wesson and Los Angeles City Councilmembers:

I. INTRODUCTION.

This firm and the undersigned represent AIDS Healthcare Foundation ("AHF"). AHF has fundamental property rights and interests implicated by the Palladium Residences Project ("Project"), including but not limited to its leasehold interest in the Kilroy Realty Media Center building to the immediate west of the Project site, a leasehold interest in real property to the immediate south of the Project, and nearby ownership interests in real property within a block or two of the Project including the Project traffic study area. AHF's world headquarters for its operations in 37 countries is centered in Hollywood, where this charitable corporation was founded in 1987 to care for those dying of AIDS in the earliest years of the epidemic. The Project, as proposed, will have significant negative impacts on AHF, its leasehold and property ownership interests in the vicinity of the Project, and the greater Hollywood and Los Angeles communities.

II. CITY COUNCIL MAY NOT APPROVE THE PALLADIUM PROJECT WITHOUT HOLDING A HEARING BEFORE THE FULL CITY COUNCIL THAT IS PROPERLY NOTICED.

The Los Angeles City Council has a practice of conducting a land use appeal hearing at its Planning and Land Use Management Committee, and then placing the land use appeal on City Council's agenda under the section entitled "Items For Which Hearing Has Been Held." Under City Council's rules, the PLUM Committee is not empowered to make a final decision on any matter that comes before it. It is required to make a Recommendation Report to the City Council. Therefore, the City Council has not yet conducted a hearing.

AHF has pending two appeals before the City Council: Item 1 and Item 4. As a matter of fundamental due process of law, these appeals must be heard and resolved before the full City Council. After all, "he who decides, must hear." Council members who have not heard the case, cannot reasonably cast a vote on this matter without having heard the arguments and testimony of appellant and the public.

For this reason, these items should have been agendized under "Items Noticed for Public Hearing" because the full City Council is required to hear and resolve all land use appeals since its PLUM Committee is not empowered to make a final decision, only a recommendation.

Ironically, however, the City failed to notice March 22, 2016 for a public hearing. There was a mailed and published notice for the PLUM Committee hearing date of March 15, 2016, but the notice failed to state when the item would be heard in full City Council. Furthermore, at the PLUM Committee hearing, there was no announcement of when the full City Council would hear the AHF land use appeals. The failure to properly give notice of today's City Council meeting would be prejudicial to any persons with property or other significant interests who were denied actual notice of the City Council's final hearing date.

III. THE CITY COUNCIL IS ABOUT TO CONDUCT AN UNFAIR HEARING BECAUSE THE CITY CLERK E-PACKET DISTRIBUTION TO CITY COUNCIL MEMBERS INCLUDED ONLY THREE PAGES OF ITS TRACT MAP APPEAL.

AHF objects to the City proceeding with hearing its appeal today. AHF first filed an appeal of the tract map approvals. That appeal consisted of the two page master appeal form, an appeal cover sheet of one page, and attachment of approximately 472 additional pages of supporting objection letters, evidence, and a copy of the decision appealed. Other than the first three pages of the tract map appeal, the remainder of the appeal package was not transmitted to members of Council and the interested public via the Clerk's E-Agenda Packet.

AHF also filed an appeal of the City Planning entitlements. That appeal consisted of the two page master appeal form, a two page appeal cover sheet incorporating all of the tract map letters and supporting evidence by reference (to avoid duplicate paper in the City's files), and copy of the decision appealed. Not one page of AHF's appeal of the City Planning entitlements was transmitted to City Council members in the E-Agenda Packet.

In both the tract map and City Planning entitlement appeals, AHF reserved the right to continue investigation and development of its appeal argument and evidence. At the March 15, 2016 meeting of the PLUM Committee, AHF submitted to the Committee members and the record a further supplement to its appeal along with supporting evidence. Since last Tuesday, the City Clerk has posted to Council Files 16-106 and 16-106-S1 all of the City Planning Department's submittals, the applicant's submittals, and other public member submittals, but has failed to upload the March 15, 2016 letter and supporting exhibits of AHF to the Council File. In addition, the March 15, 2016 letter and exhibits were not included in the E-Agenda Packet transmitted to City Council.

There is no evidence that members of the City Council received any part of AHF's appeal materials or March 15, 2016 supplementation via the E-Agenda Packet. Furthermore, there is no evidence that AHF's March 15, 2016 supplementation of its appeal and supporting evidence was ever uploaded by the City Clerk to Council File Numbers 16-0106 or 16-0106-S1.

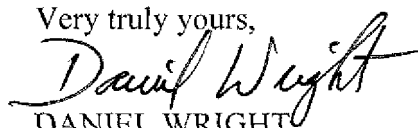
Appellant Miki Jackson became alarmed that she could not find the March 15, 2016 appeal supplement in the online City Council Files. On Monday, March 21, 2016, Ms. Jackson sent email communications to City Clerk Holly Wolcott, Deputy City Clerk Sharon Dickinson, and Deputy Clerk Etta Armstrong expressing concern that AHF March 15, 2016 letter was not in the City Council file. Ms. Armstrong offered to upload a copy. Ms. Jackson replied that it was turned into Ms. Dickinson at the PLUM Committee on March 15, 2016, and that the City had possession of the letter.

This law office possesses a conformed copy of the March 15, 2016 letter and supporting exhibits endorsed as "received" in Ms. Dickinson's handwriting and hand-dated by her on "March 15, 2016." Additionally, I announced at the March 15, 2016 PLUM Committee that the record should reflect that I had submitted to the Committee and the record our letter and supporting exhibits.

Accordingly, AHF does not see how it can receive a fair hearing if literally none of the substance of its appeal materials were transmitted to the Councilmembers for their review. Additionally, even if Council members are expected to access the City Council file, there is no evidence that any of the March 15, 2016 letter and supporting exhibits were even uploaded to the City Council file so that anyone could access them in advance of the Council meeting.

IV. CONCLUSION.

The full City Council is required to hear AHF's appeal, however, it does not appear that members of the City Council have been given access to AHF's appeal materials to enable any opportunity to review them prior to today's hearing.

Very truly yours,

DANIEL WRIGHT
FOR
THE SILVERSTEIN LAW FIRM

cc: Client

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COPY ORIGINAL
CF 16-0106 § 16-0106-51
ORIGINAL

March 22, 2016

VIA HAND DELIVERY

Los Angeles City Council
200 N. Spring Street, Rm. 325
Los Angeles, CA 90012

Re: Further Objections Related to The Residential Dwelling Unit Density Approved For Palladium Residences Project located at 6201-6229 West Sunset Boulevard, 1510-1520 North Argyle Avenue, 6210 West Selma Avenue, 1531-1541 North El Centro Avenue
Tract Map No. 72213
CPC Case: CPC-2014-3808-GPA-ZC-HD-CU-CUB-ZAI-SPR
Environmental Review: ENV-2013-1938-EIR

Honorable Councilmembers:

I. INTRODUCTION.

This firm and the undersigned represent appellant AIDS Healthcare Foundation. Please keep this office on the list of interested persons to receive timely notice of all hearings and determinations related to the Palladium Residence Project ("Project").

All objections, including those regarding proper notice and due process, are expressly reserved. In particular, we object to the City Council's ongoing failure to adopt the procedural zoning and land use hearing rules mandated by the Legislature in the 1971-72 enactment of Government Code Section 65804. The entire purpose of this state law is to prevent what happens at land use and zoning hearings before the Los Angeles City Council: parties to the hearing and members of the public have no idea how the hearings will be conducted in advance of the hearing. As a result, the hearings are conducted at the discretion of the Chair. In particular, the City Council often fails to provide for the right to respond to significant new matters or undisclosed amending motions that clearly were negotiated outside the hearing room. See, e.g., Clark v. City of Hermosa Beach (1996) 48 Cal.App.4th 1152, 1172-1173.

BY
CITY CLERK
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CITY CLERK'S OFFICE

Government Code Section 65804, adopted in 1971-72, requires that the Los Angeles City Council adopt fair hearing rules. For 46 years the City Council has failed to comply with this Section by continuing to operate its land use and zoning hearings without any adopted or published procedural rules.¹ The lack of fair treatment of land use appellants and persons who appear at public hearings where they are given a mere one minute to speak on complex land use issues feeds the growing anger and cynicism that the only people that matter at City Hall are the campaign contributors, the donors to the Councilmember's favorite non-profit, legal defense fund, or officeholder's discretionary expenditure fund. These actions are not constitutionally consistent with procedural due process of law principles.

II. SUMMARY OF MAJOR GROUNDS THE PROPOSED DENSITY OF 731 DWELLING UNITS IS UNLAWFUL AND INAPPROPRIATELY ANALYZED IN THE DRAFT EIR.

In its March 15, 2016 letter to the Planning and Land Use Management ("PLUM") Committee, AHF provided analysis of the reasons the City Planning Department had no legitimate basis to claim LAMC Section 12.22 A Use, subdivision 18, was a basis to double authorized residential dwelling unit density on the Project site. AHF submits the following additional analysis:

- (1) the City Council has no legal authority to approve more than twice the residential dwelling unit density allowed by the 1988 Hollywood Community Plan;
- (2) the successor agency to the former City redevelopment agency, CRA/LA, will have no authority to approve more than twice the residential dwelling unit density allowed by the 2003 Hollywood Redevelopment Plan;
- (3) the plain language of LAMC Sections 12.16 and 12.11 specifies that R4 residential density (400 square feet of lot area per dwelling unit) applies;
- (4) the City Planning Department's citation of LAMC 12.22 A Uses, subdivision 18, by its plain language, does not apply to determination of the authorized residential dwelling unit density in mixed use projects;

¹ Our research strongly suggests that a finding by the Citizen's Committee on Zoning Practices and Procedures in 1968 influenced Assemblymember Yvonne Braithewaite-Burke introducing legislation requiring that all cities and counties in the state, including the Los Angeles City Council, adopt fair hearing rules. Even though the Citizen's Committee recommended enactment of fair hearing procedures in 1968, and the legislature mandated it in 1971-72 with the enactment of Section 65804, the Los Angeles City Council has failed to adopt such rules.

(5) if the City Planning Department claims that a Zoning Administrator's interpretation of LAMC 12.22 A Uses, subdivision, 18 applies, such "interpretation" is void because it is contrary to plain language of the code, and more importantly, such an interpretation is void under Government Code Section 65680, subdivision (d) because no provision of LAMC (or interpretation thereof) can be inconsistent with the density limits imposed by the City's General Plan as set forth in the Hollywood Community Plan;

(6) the Draft EIR and Final EIR are fatally flawed as to the Land Use analysis because the City did not include calculation of residential dwelling unit density allowed by these Plans, or disclosure to the public and decision makers of almost all of the foregoing information. These failures hid from public disclosure and analysis of serious violations of applicable land use plans and regulations that limit the Palladium Project's residential dwelling unit to approximately 284 units.

III. THE CITY COUNCIL HAS NO LEGAL AUTHORITY TO APPROVE MORE THAN TWICE THE RESIDENTIAL DWELLING UNIT DENSITY ALLOWED BY THE 1988 HOLLYWOOD COMMUNITY PLAN.

The City's General Plan is the "constitution" of land use. It sits atop a hierarchy of land use zoning regulations that must be consistent with the General Plan land use designations, density limits, and related policies and programs regarding future physical development of the City. *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 772-773. The 1988 Hollywood Community Plan ("1988 HCP") sets forth the City's applicable vision for growth. Contrary to efforts of the developer and certain City Planning Department partisans to mischaracterize the 1988 HCP as "obsolete," the fact remains that the 1988 HCP and its consistent zoning remain in effect, and the City has failed to prepare a lawful revision of its Hollywood Plan.²

The 1988 HCP envisioned and provided for ample density immediately adjacent to the planned Hollywood Boulevard Metro Rail Red Line stations. The 1988 HCP authorized this density to meet the goal of reinforcing the rail transit stations while balancing the reality that "Very High Density" was not feasible given the infrastructure limits of the street transportation system. To this end, as part of the 1988 HCP consistency process, the City removed the R5 zone as an authorized zone from the plan. (**Exhibit 2.**)

The 1988 HCP specifically lists the authorized maximum residential densities for the Plan. The 1988 HCP expressly states its top category of residential density shall be "High Density" at no more than 80 dwelling units per acre. (**Exhibit 3** [1988 HCP], p. 3.) While the 1988 HCP acknowledged that "[d]evelopments combining residential and commercial uses are especially encouraged in [the Hollywood Redevelopment Plan's] Center area," the Housing Section of the 1988 HCP expressly states "[t]he proposed residential density categories and their

² The 2012 Update of the Hollywood Community Plan was overturned by the Los Angeles Superior Court finding that the wildly incorrect population figures used in the plan made it "fatally flawed". (**Exhibit 1.**)

capacities are:" followed by a chart of residential density, dwelling units per gross acre, and an projection of possible population accommodated at this authorized density level. Most significant is the absence of the "Very High" density category found in other community plans such as Downtown. The complete absence of the "Very High" density category from the 1988 HCP is a clear rejection of its higher residential density level for Hollywood. Thus, under the 1988 HCP, the highest residential density authorized in the chart of residential density categories and their capacities is "High" which expressly limits dwelling units per gross acre to 60+ to 80.³

Based upon the foregoing history, the operative 1988 HCP plan text specifically limits the residential dwelling unit density on the Palladium site to not more than 80 dwelling units per acre. Unlike the City's facially deficient Draft EIR and the City Planning staff reports which avoiding mentioning this legal limitation on development, AHF will show its mathematical calculations:

43,560 s.f. in one acre ÷ 80 units per acre in 1988 HCP text = 544 s.f. of lot size per unit

Palladium lot size (154,648 s.f.) ÷ 544 s.f. = 284 maximum residential dwelling units

This calculation is based upon the best available information that the City Planning Department has disclosed to the public which is Page 2-1 of the Project Description in the Draft EIR. The Palladium lot size may be a bit larger based upon the gross acre lot size that includes half of the right of way surrounding the property. On the other hand, the Palladium lot size applicable to this density calculation may be a bit smaller based upon the portions of the lot acreage dedicated to commercial uses such as retail and restaurants. What are these numbers? AHF, the public and the decision makers do not know because they are never calculated, disclosed, or analyzed in the Draft EIR or Planning Staff reports. The most basic of calculations which must precede any narrative conclusion about conformance (or non-conformance) with applicable Plans and zoning appears to never have been done in the Draft EIR and Planning Staff reports. Everyone is left to guess what the actual lawful number of maximum residential dwelling units might be.

However, one thing is certain: The City's General Plan specifically limits residential development in the Hollywood Community Plan area to no more than 80 units per acre. The City's assertion that 773 residential dwelling units density is permitted is not supported by substantial evidence because the 1988 HCP directly contradicts the City Staff claim. Accordingly, the City Council has no authority to approve a project with 731 dwelling units (the number approved by the Advisory Agency and CPC) which is more than twice the lawful residential dwelling unit density of approximately 284.

³ A gross acre is defined as including "one-half of abutting streets". 1988 HCP, p. 3, footnote to chart.

III. THE CRA/LA WILL HAVE NO AUTHORITY TO APPROVE MORE THAN TWICE THE RESIDENTIAL DWELLING UNIT DENSITY ALLOWED BY THE 2003 HOLLYWOOD REDEVELOPMENT PLAN.

The 2003 Hollywood Redevelopment Plan (“Redevelopment Plan”) is consistent with the density limit imposed by the 1988 HCP. Section 505 specifically states that Community Redevelopment Agency will limit the authorized density in “High Density” residential areas to no more than 80 dwelling units per acre. (**Exhibit 4.**) Unlike the 1988 HCP, the Redevelopment Plan has a more specific provision regarding mixed use projects. **Section 506.3 Residential Uses Within Commercial Areas** provides:

“New and rehabilitated residential uses shall be encouraged within the Regional Center Commercial land use designations. Subject to Agency approval of a development or participation agreement(s), the Agency may permit the development of new residential uses within commercial areas. The conditions for approving such a development shall include a determination that the residential development, as well as any commercial development in the case of a mixed use development, meets all design and location criteria specified by the Agency to ensure that the goals of this Plan are met and that amenities are provided which are appropriate to the size and type of housing units proposed.” Redevelopment Plan, p. 30.

Nothing in Section 506.3 authorizes CRA/LA to approve a project that is greater than the residential densities specified in the 1988 HCP. Additionally, Section 505 of the 2003 Redevelopment Plan was adopted based upon the densities specified in the 1988 HCP. This section of the Redevelopment Plan says CRA/LA may allow residential uses in commercially zoned areas, subject to it placing conditions on the project.

The 2003 Redevelopment Plan incorporated the Redevelopment Map which showed the boundaries of the Redevelopment Plan area. It also divided up the area into various residential, commercial, and industrial land uses, and those areas are colored in accordance with permitted residential densities. Consistent with the chart of residential densities in Section 505, the highest residential density shown on the map is “High” and none of the Redevelopment Plan area is shown allowing residential densities at the “Very High” level.

Moreover, where the Redevelopment Plan map shows the High density zoning, it is colored the same shade of darker red as that color underlying the crossed hatched areas showing Regional Center Commercial zoning. (**Exhibit 5** [color Redevelopment Plan maps].) Thus, the Redevelopment Map could not be clearer that the maximum residential density in the Regional Center Commercial zone was the High level of residential density. That corresponds to a maximum of 80 dwelling units per acre, and all of that is consistent with the City’s General Plan

expressed in the 1988 HCP which also had a maximum residential density of 80 dwelling units per acre.

None of these legal limits on the residential dwelling unit density authorized by the 1988 HCP or the 2003 Redevelopment Plan are calculated, disclosed, or discussed in the Draft EIR or City Planning staff reports. Obviously if the Draft EIR had disclosed this information, it could not have purported to claim the Project at double the authorized density was “consistent” with the Redevelopment Plan. It clearly is not. Therefore, approval of the Palladium Project as proposed cannot be approved by the CRA/LA. The City’s claim that the Project is “consistent” with the 2003 Redevelopment Plan is false.

IV. LAMC SECTIONS 12.16 and 12.11 PLAINLY SET THE RESIDENTIAL DWELLING UNIT DENSITY AT 400 SF PER UNIT.

The City’s residential dwelling unit limit is set forth in LAMC in the provisions for each zone. The Palladium Project is in the C4 zone. The relevant rules for C4 are set forth in LAMC Section 12.16:

“12.16. “C4” COMMERCIAL ZONE.

The following regulations shall apply in the “C4” Commercial Zone:

- A. * * *
- B. * * *
- C. **Area. (Amended by Ord. No. 148,783, Eff. 10/13/76.) –**
No building or structure nor the enlargement of any building or structure **shall be hereafter erected or maintained unless the following yards, lot areas and loading spaces are provided and maintained** in connection with such building, structure or enlargement.
 - 1. **Front Yard.** Not required.
 - 2. **Side and Rear Yards.** Not required for buildings erected and used exclusively for commercial purposes.

For all portions of buildings erected and used for residential purposes, side and rear yards conforming to the requirements of the R4 Zone (Section 12.11-C,2 and 3) shall be provided and

maintained at the floor level of the first story used for residential purposes.

3. **Lot Area.** The lot area requirements of the R4 Zone (Section 12.11-C,4) shall apply to all portions of buildings erected and used for residential purposes. (Amended by Ord. No. 148,783, Eff. 10/13/76.)

4. **Loading Space** – As required by Section 12.21-C,6. Exceptions to area regulations are provided for in Section 12.22-C.” (Bold italic emphasis provided.) (Exhibit 6.)

LAMC Section 12.11, concerning R4 Lot Area specifies the following calculation:

SEC. 12.11. “R4” MULTIPLE DWELLING ZONE.

The following regulations shall apply in the “R4” Multiple Dwelling Zone:

A. * * *

B. * * *

C. **Area.** No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. * * *

2. * * *

3. * * *

4. **Lot Area** – (Amended by Ord. No. 174,994, Eff. 1/15/03.) Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet. The minimum lot area per dwelling unit shall be 400 square feet.

However, where a lot has a width of less than 50 feet or an area of less than 5,000 square feet and was held under separate ownership or was of record as of September 23, 1956, and the lot was created in conformance with the

Subdivision Map Act, the lot may be occupied by any use permitted in this section, except for those uses explicitly requiring more than 5,000 square feet of lot area. In no case, however, shall more than two dwelling units be permitted where a lot has an area of less than 4,000 square feet.

The minimum lot area per guest room shall be 200 square feet.⁴

Exceptions to area regulations are provided for in Section 12.22 C. (Emphasis added.) (**Exhibit 7.**)

Based upon the foregoing provisions, for a project with residential uses in the C4 zone, the applicable minimum lot area density per dwelling unit is 400 square feet per dwelling unit. This language is unambiguous.

There is a problem with the residential dwelling unit density set forth in the zoning code: it appears to be inconsistent with the 80 dwelling units per acre set in the 1988 HCP. The math is as follows:

43,560 s.f. in one acre ÷ 400 s.f. per unit = 108.9 units per acre

The zoning code is inconsistent with 1988 HCP plan maximum residential density of 80 dwelling units per acre by about 29 units per acre. When there is a conflict between a subordinate zoning code provision and a general plan provision, the General Plan always governs, and the conflicting zoning code provision is deemed void:

“The Planning and Zoning Law itself precludes consideration of a zoning ordinance which conflicts with a general plan as a *pro tanto* repeal or implied amendment of the general plan. The general plan stands. **A zoning ordinance that is inconsistent with the general plan is invalid** when passed [citations omitted] and one that was originally consistent but has become inconsistent must be brought into conformity with the general plan. (§ 65860.) The Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. **The tail does not wag the dog.** The general plan is the charter to which the ordinance must conform.” Leshar Communications v. City of Walnut Creek (1990) 52 Cal.3d 535, 541 (emphasis added).

⁴ This residential or room density applies to hotels, hence the reference to “rooms” and not “dwelling units”. Palladium has abandoned its request for a hotel use as part of the Project.

Accordingly, it appears that even under the plain language of the LAMC, the cited R4 density is invalid in the face of the 1988 HCP. The LAMC zoning rule “tail” cannot wag the general plan “dog.” However, Palladium is a far more grotesque violation because City Planning staff does not propose to even follow the R4 density at 400 square feet per acre. It asks for 200 s.f. of lot area per dwelling unit (218 dwelling units per acre).

V. **THE PLAIN LANGUAGE OF LAMC SECTION 12.22 A 18, PROVIDES NO EXCEPTION ALLOWING R5 RESIDENTIAL DWELLING UNIT DENSITY.**

Buried in the Draft EIR and in the staff report are cryptic statements that the residential density for Palladium is R5. In both the Project Description and the Land Use sections this statement appears:

“The C4 in the zoning designation indicates that the Site is designated for commercial uses, **which permits an R5 residential density when the site is designated as a Regional Center**, pursuant to Section 12.22.A18 of the code.” Draft EIR, pp. 2-6 & 4.H-11

This even more obtuse statement appears in the Land Use section:

“The southern, Sunset Boulevard Area is zoned C4-2D. The C4 zoning, in combination with the parcel’s current Regional Center/Commercial Center designation would allow mixed-use commercial development consistent with the commercial center role of the area **as well as a residential development at R5 densities.**” Draft EIR, p. 4.H-48 (emphasis added).

How does the City get R5 density when the plain language of the C4 zoning expressly states the residential density in C4 zones shall be as provided in the R4 zone? The Draft EIR does not explain. It is completely opaque, and contradicts the language in LAMC Sections 12.16 and 12.11 quoted in the prior section.

During the public comment process on the Draft EIR, Hollywood Heritage specifically called out the City for failing to show in the Land Use section of the Draft EIR the details on how it arrived at such a huge expansion of authorized development: **“There is no clear tabular statement or analysis of the AMOUNT of proposed construction relative to the land use plans and zoning.”** December 7, 2014 comment letter, p. 6 (emphasis added).

The analysis in the Draft EIR of the land use impacts was solely focused on the lofty and generic goals of various plans and the authorized land uses, not the authorized residential dwelling unit density, or a coherent rationalization of how the authorized FAR on the lots could

be expanded to the max. As Hollywood Heritage noted on the same page of its comment letter: **“The Land Use section omits a clear tabulation of Zoning -- the project proposes doubling of the AMOUNT of construction requested vs. what the current zoning allows.”** Precisely.

In the Final EIR responses to the Hollywood Heritage objections to the lack of an explanation of the intense density and floor area was met with continuing evasion of how the City concluded that R5 density applied to the Palladium Project. In response to comment 10-23 at pages 3.B-55-57, the City talked about everything and anything except disclosing an accurate analysis of the permitted residential dwelling unit density and the permitted FAR under current laws. This was not a good faith response as required by CEQA. In this Final EIR response, the City does not even mention LAMC Section 12.22 A Use, subdivision 18.

But inspection of LAMC Section 12.22 A Use, subdivision 18 also **does not reveal any language concerning residential or dwelling unit density.** LAMC Section 12.22 A. Use, subdivision 18, which by its express language is limited to defining allowable USES (not residential or dwelling unit density), provides:

18. Developments Combining Residential and Commercial Uses. Except where the provisions of Section 12.24.1 of this Code apply, notwithstanding any other provision of this chapter to the contrary, **the following uses shall be permitted in the following zones subject to the following limitations: (Amended by Ord. No. 163,679, Eff. 7/18/88.)**

(a) **Any use permitted in the R5 Zone** on any lot in the CR, C1, C1.5, C2, C4 or C5 Zones provided that such lot is located within the Central City Community Plan Area or within an area designated on an adopted community plan as "Regional Center" or "Regional Commercial". **Any combination of R5 uses and the uses permitted in the underlying commercial zone shall also be permitted on such lot.** (Amended by Ord. No. 182,452, Eff. 4/4/13.)

(b) Any use permitted in the CR, C1, C1.5, C2, C4 or C5 Zones on any lot in the R5 Zone provided that the lot is located within the Central City Community Plan Area. Any combination of these commercial and residential uses shall also be permitted on the lot. Commercial uses or any combination of commercial and residential uses may be permitted on any lot in the R5 Zone by conditional use pursuant to Section 12.24 W.15. outside the Central City Community Plan Area. (Amended by Ord. No. 182,452, Eff. 4/4/13.) (Emphasis added.) (Exhibit 8.)

The three paragraphs above, by their express terms, only apply to the question of what USES are permitted in “Developments Combining Residential and Commercial Uses.” Nowhere in these two paragraphs is there any mention of regulation of residential or dwelling unit density. And the final sentence of subdivision (a) makes clear that any combination of the multiple uses allowed in an R5 zone (apartments, hospitals, clubs, lodges, nursing facility, etc) are permitted on a commercial lot, which makes clear that more than just one R5 use is permitted in combination with commercial uses allowed on the underlying commercial lot.

Moreover, the next set of paragraphs of LAMC 12.22 A Use, subdivision 18 only relate to yard requirements for lots with combined residential and commercial uses:

(c) **Yards.** Except as provided herein, the yard requirements of the zone in which the lot is located shall apply.

(1) The yard requirements of the C2 Zone shall apply to buildings located on lots in the R5 Zone in a redevelopment project area approved by the City Council if such buildings are used exclusively for commercial uses.

(2) The following yard requirements shall apply to buildings located on lots in the R5 Zone which are used for any combination of commercial and residential uses:

(i) The yard requirements of the C2 Zone shall apply to the portions of such buildings used exclusively for commercial uses.

(ii) No yard requirements shall apply to the portions of such buildings which are used exclusively for residential uses and which abut a street, private street or alley, if the first floor of such buildings at ground level is used for commercial uses or access to the residential portions of such buildings.

(3) 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.

(4) No yards shall be required along air space lot boundaries within the interior of buildings. (**Exhibit 8.**)

Unsurprisingly, there is no regulation concerning residential dwelling unit density in the provisions of subdivision 18 regarding yards.

Additionally, the next paragraph of LAMC Section 12.22 A. Use, subdivision 18, expressly prohibits residential or commercial density, FAR or height to be increased **simply because a project may involve air space lots**. Thus, this paragraph confers no exception to allow increased residential or dwelling unit density for the Palladium Project:

(d) The residential and commercial density, maximum floor area or height otherwise permitted for any lot shall not be increased by reason of the existence of one or more air space lots. **(Exhibit 8.)**

If anything, the foregoing provision bans any increase in residential density for the Palladium Project.

Finally, these last two paragraphs of LAMC 12.22 A. Use, subdivision 18, by the express language, has no relevance to Palladium.

(e) **Pedestrian Bridges.** Residential uses in a building combining residential and commercial uses shall be limited to the floors above the level of a connecting pedway or pedestrian bridge except that the Director of Planning may modify or waive this requirement if the Director finds unusual topography or other special circumstances justify such modification or waiver.

(f) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** In the event of a conflict between the terms of this subdivision and the terms of a specific plan enacted prior to December 31, 1981, the terms of the specific plan shall prevail. The terms of this subdivision shall not apply within the boundaries of the Century City North Specific Plan. **(Exhibit 8.)**

So where is the language that supports the contention of City Planning staff that R5 residential density applies to the Palladium Project? The plain language of LAMC Sections 12.16, 12.11, and 12.22 A Use, subdivision 18 are contrary to the City Planning staff's assertion that Section 12.22 grants R5 residential dwelling unit density for the Palladium Project.

VI. THE CITY PLANNING DEPARTMENT'S APPARENT RELIANCE ON A ZONING ADMINISTRATOR'S "INTERPRETATION" TO CLAIM LAMC SECTION 12.22 ALLOWS R5 DENSITY IS VOID FOR SEVERAL REASONS.

The Planning staff has suggested it is relying upon a Zoning Administrator memo dated May 18, 2000 as referenced in the LABDS's Zoning Manual. On page 222, the City offers a rationale for applying the twice as dense R5 residential or dwelling unit density calculation rather than the normal R4 or R3 because R5 USES are authorized uses in a C zone under Section 12.22 A. Use, subdivision 18. Here is the "logic":

"One question related to density that arises is whether to apply R5 lot area requirements or R3 / R4 lot area requirements as referenced in the lot area requirements of C zones. In the enforcement of this section, the Zoning Administrator has determined that the lot area requirements of the R5 zone are to be applied to projects subject to this section. Although it is not explicitly stated in the section, the last sentence of the section implies applying area requirements of R5 zone, not R3 or R4 zone. This interpretation has been confirmed by the Office of Zoning Administrator who reviewed the original staff report for the ordinance." LADBS Zoning Manual, p. 222.
(Exhibit 9.)

The Zoning Administrator's interpretation, while novel, is void as an act in excess of his authority. Additionally, a zoning code interpretation cannot be lawful when it is also inconsistent with the residential density allowed in the 1988 HCP.

The Zoning Administrator, as reported in the ZA/JE joint memo of May 18, 2000, and as reported in the Los Angeles Zoning Manual, attempts to bootstrap a twice-as-dense interpretation into the C zones, including the C4 zone applicable to the Palladium Project. One key indication that the Zoning Administrator has no authority to do this is the Zoning Manual's observation that "[a]lthough it is not explicitly stated in the section, the last sentence implies applying area requirements of the R5 zone, not R3 or R4." (**Exhibit 9**, p. 222.) The Zoning Administrator has no authority to elevate an "implication" (an implication that in fact is nowhere to be found in LAMC 12.22 A Use, subdivision 18 (a)), over the express language of the applicable C4 zone regulation which states residential or dwelling unit density shall be as provided in R4 (which is expressly stated at 400 square feet per dwelling unit).

The language in the Zoning Manual suggests that an "intent" to permit R5 residential dwelling unit density in a mixed use project in the Regional Center Commercial land use designation can be found in the "last sentence." We presume this is a reference to this sentence: "Any combination of R5 uses and the uses permitted in the underlying commercial zone shall

also be permitted on such lot.” As pointed out previously, this sentence merely clarifies that multiple uses permitted in an R5 zone may be combined with the uses permitted on an underlying commercially zone lot. That is it. It is about permitted uses and makes no reference to density, even in an implicit way.

The City Council knows how to refer to residential density by using such words as it did in the same section in subdivision (d): “The residential and commercial density, maximum floor area or height otherwise permitted for any lot shall not be increased by reason of the existence of one or more air space lots.” (Emphasis added.) Having omitted the words “residential density” from the last sentence in subdivision (a), the City Council refers to permitted uses, and nothing more.

If the Zoning Administrator claims he has the power via a Zoning Administrator Interpretation to take the legislative pen from City Council’s hand and re-write the City’s law to say a LAMC section says something it does not, the administrative branch has just taken over for the elected officials of the City. Of course, the Zoning Administrator has no such authority. Terminal Plaza Corp. v. City and County of San Francisco (1986) 186 Cal.App.3d 814 (Zoning Administrator had no power to revise project requirement contrary to its plain meaning; he has a ministerial duty to enforce it).

Another reason that the Zoning Administrator’s interpretation is unlawful is that it is inconsistent with the residential dwelling unit density maximum specified in the 1988 HCP. As the operative density law in the City’s General Plan, the 1988 HCP is 80 dwelling units per acre. The Zoning Administrator’s rewriting of City law to permit R5 density means 218 dwelling units per acre would be allowed. Even assuming the Zoning Administrator’s interpretation was not contrary to the express language of the zoning code, which it is, if it is inconsistent with the General Plan residential dwelling unit density limit, it is “invalid” as the Supreme Court said in the Leshar Communications case quoted above.

The concept for general plan conformity is imposed on the City of Los Angeles by state law in Government Code Section 65680, subdivision (d). The City’s duty to make its zoning code consistent with the General Plan, and keep it consistent, means that Section 65680(d) bars any suggestion that the City Zoning Administrator might interpret a zoning code provision to “overrule” the residential dwelling unit density set forth in the General Plan. The tail does not wag the dog.

In fact, if the R4 density at 108 dwelling units per acre is inconsistent with the 1988 HCP authorized density of 80 dwelling units per acre, the attempted use of R5 density at 218 dwelling units per acre is a jaw dropping violation of the limit imposed in the 1988 HCP. There is not a whisper of legality to City Planning’s massive gift of density to the Palladium developer.

VII. THE DRAFT EIR WAS FATALLY FLAWED IN OMITTING AND OBSCURING THE BASIC MATHEMATICAL CALCULATION OF RESIDENTIAL DWELLING UNIT DENSITY AND POINTING THE PUBLIC TO THE CITY'S BASIS FOR CLAIMING R5 DENSITY APPLIED.

In addition to the deficiencies of the Land Use section discussed in our March 15, 2016 and November 5, 2015 letters, there are the following additional reasons that Draft EIR, Land Use section was not a good faith effort to fairly disclose and analyze potential impacts of the Project on the City's General Plan and the Community Redevelopment Agency's Redevelopment Plan.

As outlined above, in the Draft EIR's disclosure of what legal authority the City had to apply the R5 residential dwelling unit density of 200 square feet per unit (or 218 units per acre), was cryptic. The City evaded and omitted the shaky basis it was using to boost permitted residential dwelling units more than twice that permitted by the residential density limits of the 1988 HCP (80 dwelling units per acre). This strongly suggests that the City knew its basis for bootstrapping the density so high was not supported by the density limits expressly set out in the General Plan and Redevelopment Plan. Perhaps that is why there is no disclosure of these sections or analysis of them in the Draft EIR.

Maintaining the integrity of the City's General Plan, Redevelopment Plan, and Zoning is of vital importance to the City. The Palladium Project is a poster child for real estate development shenanigans. The developer initiated a general plan amendment to change the 1988 HCP land use designation to Regional Center Commercial for the specific purpose gaining access to the Redevelopment Plan's bump in density. The City tries to reverse engineer a justification for the general plan amendment by saying that it was necessary to make the general plan conform to the C4 zoning already on the property. That violates the tail wagging the dog principle articulated by the Supreme Court in Leshar Communications. If the City is truly interested in maintaining general plan conformity, the zoning non-conformity should have been changed to Commercial Manufacturing. However, that was not the agenda of the real estate developer, and hence the City did not comply with Leshar Communications or Government Code Section 65680, subdivision (d) to make its zoning conform to its general plan.

None of the issues surrounding the legality of the use of a general plan amendment were disclosed or discussed in the Draft EIR. Because the entire multiple zoning changes and removal of height limits and residential development restriction on the Selma Avenue property is predicated on the propriety of the general plan amendment, a full disclosure and discussion of why the Project met the limitation imposed by City Charter Section 555, subdivision (a) was required. The City failed to proceed according to law in producing a facially deficient Land Use analysis of the propriety of the general plan amendment. This analysis is a critical prerequisite for all of the zoning changes proposed to obtain unprecedented increases in residential dwelling unit density, floor area ratio, and other valuable entitlements. The City was required to revise the Land Use section to provide a legally sufficient analysis so that the public and decision makers

can fulfill their important roles in commenting upon and considering an accurate analysis of the Project. The City refused to do so, because to admit that a general plan amendment could not be processed, the entire project concept would be unlawful.

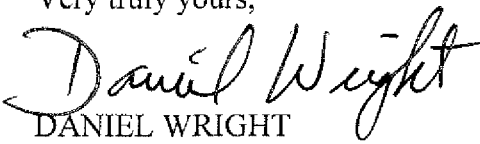
Apart from the legality of the proposed general plan amendment, the Draft EIR evaded and obscured the legal basis of precisely how the City justified applying R5 residential density of 218 dwelling units per acre to a project that, under LAMC 12.16 and 12.11 was only permitted at most 109 dwelling units per acre (R4 density), and under the density limits of the 1988 HCP and the Redevelopment Plan was only permitted 80 acres per acre ("High Density" designation). This was a significant problem that Hollywood Heritage raised in its Draft EIR comment letter and the City ignored in its Final EIR response. Because there are no essential land use calculations included in the Draft EIR, the manner in which the developer and City Planning reconciled the mathematical analysis of General Plan/Redevelopment Plan versus zoning density was to omit reference to the density limits of those Plans. Having completely omitted the residential density limits for both the 1988 HCP and the Redevelopment Plan, the City's Draft EIR was fatally deficient on this second important ground. The City refused to provide a proper analysis and failed to recirculate the Draft EIR with a proper Land Use analysis on these absolutely critical issues. Having failed to do so, the City has failed to proceed in accordance with law, and it would violate Public Resources Code Section 21002.1, subdivision (c) which prohibits use of an EIR and Statement of Overriding Considerations to approve a project that is not otherwise lawful.

VIII. CONCLUSION.

For all of the foregoing reasons, the Project application and requested approvals are not supported by law and must be denied. In addition, the appeals of the Advisory Agency approvals of the vesting tract map must be granted and the approvals overturned.

The Project is not consistent with the City's Charter, General Plan, Municipal Code, or state law, including CEQA. We respectfully request that you reject the Project as proposed.

Thank you for your courtesy and attention to this matter.

Very truly yours,

DANIEL WRIGHT
FOR
THE SILVERSTEIN LAW FIRM

Attachments
cc: Client

[← Back to Original Article](#)

Judge deals major blow to Hollywood growth plan

Ruling says city leaders failed to comply with state environmental law when they approved an update to the Hollywood Community Plan.

December 11, 2013 | By David Zahniser

A judge has dealt a serious setback to Los Angeles' efforts to bring larger development to parts of Hollywood, saying a new zoning plan is "fatally flawed" and should be rescinded by the City Council.

In a 41-page tentative ruling issued this week, Los Angeles County Superior Court Judge Allan J. Goodman said city leaders failed to comply with the state's environmental law when they approved an update to the Hollywood Community Plan, which maps out rules for growth and development. The plan sought to allow construction of larger buildings in some parts of Hollywood, particularly near transit stops.

Once the judge's decision is finalized, it would bar the city from approving projects based on the new zoning changes, including provisions that allowed for taller buildings and greater density on certain streets, said Beverly Palmer, attorney for the group Fix the City, one of three groups that sued.

The ruling will also force the city to conduct a new approval process for the Hollywood plan, providing more accurate population data and improve its analysis of alternatives to the plan, said Frank Angel, the lawyer with Save Hollywood, another group that sued.

"It's a clear-cut victory for all three plaintiffs and the community," Angel said.

Rob Wilcox, spokesman for Los Angeles City Atty. Mike Feuer, had no comment. A spokesman for L.A. Mayor Eric Garcetti, who supported the plan as a councilman, said he was reviewing the court's decision.

Growth has been a contentious issue in Hollywood, with neighborhood groups going to court not only over the new development plan but also over the Millennium project, which would put two towers — one 39 stories, the other 35 — near the Capitol Records building. Both the Millennium project and the community plan update had the backing of Garcetti, who as a councilman represented portions of Hollywood for 12 years.

Robert P. Silverstein, lawyer for the La Mirada Avenue Neighborhood Assn. of Hollywood, called the ruling a "significant setback" for Garcetti. "His 'vision' includes height- and density-busting projects that push out longtime stakeholders, harm neighborhoods, overtax our infrastructure, and overburden our already gridlocked streets and freeways," Silverstein said in an email.

Gary Toebben, president and chief executive of the Los Angeles Area Chamber of Commerce, voiced disappointment. A supporter of the Hollywood plan, Toebben said the new rules were supposed to provide certainty for residents and building owners alike.

"I think it's a disaster," he said of the ruling. "This sets everything back."

The Hollywood plan represents one of the city's attempts at "smart growth," the practice of clustering higher density development around major transit stops. Until last year, Hollywood's plan had not been revised since 1988.

In his tentative ruling, Goodman sided with neighborhood groups who argued that the Hollywood plan and accompanying environmental documents contained out-of-date population estimates. The judge said the city's numbers "were unsupported by anything other than wishful thinking." He also found that the city had failed to properly examine alternatives to its plan.

Silverstein said that he will seek a "wholesale rewrite" of the Hollywood plan and warned that it could take city officials up to two years to win approval of a revised environmental impact report.

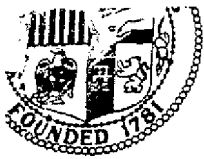
The Hollywood community plan was approved in June 2012 and allowed for the construction of taller buildings on Sunset and Hollywood boulevards west of the 101 Freeway.

Supporters described the new plan as a visionary document that would allow Hollywood to complete a 20-year transformation into a bustling center of jobs, residential towers and public transportation.

Critics warned that the resulting growth would snarl notoriously bad traffic and destroy views for those who live in Hollywood's hillsides. They also said the neighborhood did not have the proper infrastructure to support the increase in population.

david.zahniser@latimes.com

Times staff writer Kate Linthicum contributed to this report.



Los Angeles City Planning Department

Room 561 City Hall

CITY PLAN CASE NOS. 18473
83-368

Hollywood Community
Council District Nos. 4, 5, 13

Decision Date: July 28, 1988

To: City Planning Commission

From: Kenneth C. Topping
Director of Planning

SUBJECT: HOLLYWOOD COMMUNITY PLAN REVISION

PROPERTY INVOLVED: VARIOUS AREAS THROUGHOUT THE HOLLYWOOD
COMMUNITY PLAN AREA (EXHIBIT A1)

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Suggested Guidelines

Summary and Recommendations

The City of Los Angeles is required by Superior Court Order to achieve consistency between its zoning and General Plan by March, 1988 in order to bring the City into compliance with Government Code Section 65860(d). In April 1986, the City Council instructed the Planning Department to revise the Hollywood Community Plan prior to proceeding with the effort to ensure consistency of the zoning ordinance with the Community Plan. The proposed Hollywood Community Plan - land use map, legend, and footnotes; text; and land use statistics - are attached as Exhibits A through D. The Final Environmental Impact Report (SCH No. 87-112504) is attached as Exhibit F. A proposed mapping of Designated Center Study Areas and suggested guidelines for Development Standards are attached as Exhibit E and Appendix II respectively.

Actions Recommended by Staff: That the Planning Commission -

1. Adopt the attached Staff Report.
2. Recommend Approval of the Hollywood Community Plan Revision land use map, legend, and footnotes as depicted in Exhibits A1 and C;
3. Recommend Approval of the revised Hollywood Community Plan text as presented in Exhibits B and D;
4. Recommend Approval of the amendments to the Hollywood portion of the General Plan's Circulation Element as depicted in Exhibit A2;
5. Recommend Approval of the boundaries of the Designated Center Study Areas of Hollywood as depicted in Exhibit E;
6. Consider the Hollywood Community Development Standards suggested guidelines attached as Appendix II;
7. Certify the Environmental Impact Report;
8. Approve and Recommend adoption of the Statement of Overriding Consideration;
9. Recommend that the Director of Planning present the Revised Hollywood Community Plan to the Mayor and City Council.

ADOPT the following findings:

1. The recommended changes to the Hollywood Community Plan are in substantial conformance with the purposes, intent and provisions of the General Plan.
2. Pursuant to and in accordance with Section 21081 of the State of California Public Resources Code, the environmental impact report identifies potential adverse impacts from the proposed action, including impacts on earth, air, noise, land use, population, housing, transportation/circulation, and public services. Some measures have been incorporated into the proposed Plan revision which mitigate or avoid the significant environmental effects thereof to the extent feasible. The facts supporting this finding are set forth below.

Impacts not Reducible to Insignificant Levels:

- a. Transportation and Circulation - with the Proposed Plan and its circulation system, 28 of the 39 intersections studied would operate at Level of Service F during the evening peak hour. Improvement of the highways and freeways in the Community in and of itself will not accommodate the volume of the traffic projected.
- Measures cited in the EIR to mitigate the impacts of development on the circulation system include: (1) preparation of a Transportation Specific Plan to implement operational and physical improvements in the Community Plan area; (2) development of and implementation of Transportation Systems Management and Transportation Demand Management plans for large scale commercial and industrial developments/employers in the Community Plan area; and (3) limitation of future office development in the Redevelopment Project area to the 20-year market-based forecast unless or until steps are taken to implement major street system improvements in excess of improvements feasible within existing rights-of-way.
- b. Aesthetics and Urban Design/Historic and Cultural Resources - The Proposed Plan directly regulates general land use and development density/intensity only. Future development may, in the absence of development standards and preservation measures, lead to a further decline in the visual and functional quality of the environment and destruction of historic/cultural resources. Mitigation measures cited in the EIR include: (1) imposition of development standards for all categories of land use; (2) preparation of neighborhood plans and improvement districts; (3) preparation of an historic and architectural resource survey of the Community Plan area as a prelude to processing of Historic Preservation Overlay Zone and individual Cultural Historic monument status applications.
- c. Public Services (Schools and Parks) - With the Proposed Plan a 13% increase in student population and a requirement of an additional 540 acres of parkland to meet City standards can be anticipated. Mitigation measures cited in the EIR include (1) expansion of school facilities on existing sites; (2) limiting residential development to those areas where there is available enrollment capacity; (3) provision of neighborhood-oriented recreation at Griffith Park; (4) use of public school yards for recreational purposes; and (5) development of "pocket parks".
- d. Air Quality - With the Proposed Plan, air quality will worsen from increased emissions due primarily to traffic generation. Mitigation measures cited in the EIR include (1) reduction of construction-related emissions through implementation of dust control measures such as wetting; and (2) implementation of the Transportation Specific Plan discussed in "a" above.
- e. Noise - Potential increases in noise levels are associated with construction-related and traffic-related noise. With the Proposed Plan traffic-related noise levels would exceed City standards at 22 of the 28 locations studied. Mitigation measures cited in the EIR include: (1) limiting construction-related activities to daytime hours and enforcement of Ordinance No. 144,331; (2) preparation of development standards for residential developments to minimize noise

impacts; (3) adequate buffering of projects from stationary noise sources, including use of wall and earth berms; and (4) implementation of the Transportation Specific Plan discussed in "a" above.

- f. Energy and Utilities (Solid Waste and Energy) - Energy and public utilities impacts would be reduced but not eliminated with the Proposed Plan. Mitigation measures cited in the EIR include: (1) compliance with energy conservation requirements contained in the California Administrative Code, Title 24, Building Standards; (2) encouragement of waste reduction techniques such as separation, recycling and composting; (3) preparation of and compliance with, Citywide and Countrywide Waste Management Plan; and (4) study of new landfills or alternatives.
- g. Plant and Animal Life - With the Proposed Plan, hillside development is permitted to continue, with continued removal of natural areas containing local habitat as a result. Mitigation measures cited in the EIR include: (1) compliance with City grading regulations; and (2) use of "unitized" grading procedures to reduce impacts on remaining natural areas.

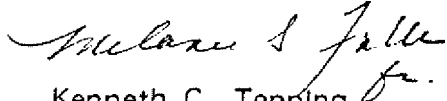
Adopt the Statement of Overriding Considerations

The EIR identifies the following areas of net unmitigated adverse impacts resulting from the proposed project: transportation and circulation, aesthetics and urban design/historic and cultural resources, public services, air, noise, energy/utilities and Plant and Animal Life. However, the following overriding considerations of social, economic or environmental benefits of the subject project will outweigh its environmental cost and will justify approval of the recommendations:

- a. The proposed Community Plan Revision is a first step toward achievement of consistency between zoning and the General Plan as mandated by State legislation and a Court settlement agreement.
 - b. The proposed Community Plan Revision establishes a more logical arrangement of land uses which will enhance the quality of life for residents and minimize incompatible land uses.
 - c. Failure to implement the Community Plan Revision would allow additional environmental impacts not fully identified or measured by the EIR. The benefits of implementation of the recommendations will (1) outweigh the unavailable environmental effects and (2) limit environmental impact well below that previously identified and deemed acceptable in 1973 (the date of the first Hollywood Community Plan EIR).
3. The recommended Revision of the Hollywood Community Plan will relate to and have an effect upon the Highways and Freeways Element of the General Plan. However, because the changes constitute a reduction in the ultimate potential population capacity of the subject properties, the effect on this adopted element will be positive.
4. Other than revising the Community Plan, and except as noted above, the recommended changes will not relate to or have an effect upon other

General Plan elements specific plans or other plans in preparation by the Department of City Planning.

5. Based on the above findings, the recommended Revision of the Hollywood Community Plan is deemed consistent with the public necessity, convenience, general welfare, and good planning practice.


Kenneth C. Topping
Director of Planning

KCT:sm
COM791

Staff Report

REQUEST

State legislation requires that zoning in the City of Los Angeles be consistent with the City's General Plan (Government Code Section 65860[d]). Settlement of Superior Court Case No. C526616 requires compliance with the State legislation by March 1, 1988, or as otherwise approved by the Court.

On April 11, 1986 (CF 86-0695) the City Council instructed the Planning Department to prepare a revision of the Hollywood Community Plan prior to proceeding with the zoning consistency program. In its adoption of the Hollywood Redevelopment Plan (May 7, 1986; Ordinance No. 161,202), City Council instructed the Planning Department to proceed with amendments to the Hollywood Community Plan related to the Redevelopment Project area. The present staff report is a compilation of the proposed changes from each action for the entire Community Plan area. Zone and height district changes which accompany this revision are being processed as CPC No. 86-361 GPC and CPC No. 86-365 GPC.

BACKGROUND

The Hollywood Community Plan was approved by the City Planning Commission in November, 1970 and adopted by City Council in September, 1973. Preparation of the Hollywood Community Plan began in September, 1967. It was designed to accommodate "population and activities projected to the year 1990".

On January 12, 1987, a consultant contract was established with Gruen Associates to assist the Planning Department in the preparation of the Hollywood Community Plan Revision and its accompanying Environmental Impact Report as per the City Council instruction of April, 1986.

The present staff report includes land use recommendations for the entire Community Plan area of 15,525 acres. The Redevelopment Project area of Hollywood - approximately 1,100 acres in the geographic center of Hollywood - is discussed in greater detail in CPC No. 83-368. For purposes of environmental review the adopted Redevelopment Plan was utilized in the analysis of impacts of that central area. In the processing of the zone changes for the Redevelopment Project area (CPC 86-835 GPC) the Redevelopment Plan EIR (SCH No. 85 052903) was appended to the Community Plan Revision EIR. Statistical tables (Exhibit C and D) reflect land use designations of the entire Hollywood Community Plan area.

EXISTING (1973) PLAN

In the course of the restudy of the Hollywood Community Plan, and during the period of preparation of two recent Community Plan amendments (Beverly Hills Freeway deletion - CF 81-3528; Highland/Cahuenga Corridor - CF 85-0746), inaccuracies in the land use statistics included in the Plan Map and Text became evident. The population capacity statistics, in particular, did not closely reflect actual capacity. While the population capacity purported in the amended Plan is 238,240 (compared with an estimated 1987 population of 204,000), this calculation is based on unrealistic population per gross acre figures. Using figures updated since the Plan was originally adopted, the Plan population capacity more closely approximates 323,000. That corrected

population capacity exceeds the 1990 population projection cited in the Plan by 55%.

The following table presents the gross acreage of the current Plan by land use category:

Housing	Single-Family	6,083	
	Multiple-Family	2,780	8,873
Commerce			1,226
Industry			396
Public Lands			4,498
Open Space			542
<hr/>			
TOTAL			15,525

In the years since 1973, it has become clear that the transportation system and other public facilities/service in Hollywood are operating at, or are rapidly approaching, full capacity and cannot accommodate the additional development permitted by the 1973 Plan without substantial improvements. This is documented in the Background Report (Appendix I) and the Environmental Impact Report (Exhibit F).

PLAN REVISION OBJECTIVES/METHODOLOGY

The primary objectives of the Plan Revision are:

- (1) To accommodate year 2010 projected population and economic growth plus no more than a 15% buffer;
- (2) to provide commercial uses to serve Hollywood residents in a logical land use pattern which provides a choice of shopping opportunities and reduces automobile trips;
- (3) to provide enough additional industrial capacity to permit the film and television industries to remain and expand;
- (4) to ensure adequate traffic capacity and public improvements/facilities to support the theoretical population capacity of the Plan.

As part of the preliminary study for the Plan Revisions a land use survey covering over 27,000 parcels of land in Hollywood was conducted between September 1986 and February 1987. Information from that survey was updated through review of building permit activity up through July of 1987. This data was used to establish existing development patterns and intensities. Additional data compiled during the preparation of the Hollywood Redevelopment Plan (1983-86) by the Community Redevelopment Agency (CRA) was utilized to analyze development patterns and intensities within the 1100 acre Redevelopment Project area.

As part of consultant contract, a travel forecasting model was developed to analyze circulation impacts. The model incorporated SCAG Year 2010 population, employment and housing forecasts; for modeling purposes, it modified the existing street and highway network to reflect planned improvements contained in the Hollywood Community Plan portion of the Circulation Element of the General Plan. A more thorough discussion of the model is contained in the Environmental Impact Report (Exhibit F) p. 37, footnote 2.

Proposed Plan Changes

In order to reflect current development patterns, rational land use planning and adopted City policy, the following changes are recommended:

Map Legend (Exhibit A1)

Since the adoption of the Hollywood Community Plan in 1973 several land use designations have been added to the Land Use Element of the General Plan. These are reflected in the following additions/modifications to the Community Plan:

Housing

- The Very Low, Low, and Low-Medium designations have been further divided into two gradations each (VLOW I, VLOW II; LOW I, LOW II; LMED I, LMED II).
- In order to differentiate between the High and High-Medium density designations, a corresponding zone of [Q]R4-1VL (restricting maximum density to one dwelling unit per 600 square feet of lot) has been assigned to the HMED designation. This ensures that development in HMED areas more closely conforms to the 60+ to 80 dwelling units/gross acre density defined in the Plan.
- A [Q]R5 zone has been added to the range of corresponding zones for the HIGH density housing designation. This is the enable mixed use (commercial/residential) projects in certain areas of the Hollywood Redevelopment Project designated HIGH density through LAMC 12.24 C1.5(j).
- The VERY HIGH density housing designation (corresponding zone: R5-2) has been eliminated.

Commercial

- The Limited Commercial designation has been added.
- Floor area ratio (FAR) for each commercial land use designation is now stipulated in quantitative terms in addition to referencing a height district.

Industrial

- The Light Industry designation (corresponding zones: MR2, M2) has been eliminated.
- The PB zone has been added to the range of corresponding zones for Limited Industry.
- FAR is stipulated in quantitative terms.

Open Space

- Consistent with current policy, the "Public Land" and "Open Space" Plan categories have been merged into a single Open Space category.

- Designations of Public/Quasi-Public and Open Space have replaced the Recreation and School Site, Other Public Land, and previous Open Space designations within the Open Space category. Public/Quasi-Public includes public schools, libraries, municipal/county/state offices and services and other places of public assembly. Open Space includes all public parks, reservoirs, and cemeteries.

Land Use Map (Exhibit A1)

Extensive changes to the Community Plan map are proposed. Many result from greater precision in mapping permitted land uses as well as publicly owned properties. In general, land use designation boundaries have been drawn to correspond with record lot lines and/or existing zone boundaries.

Of greater significance are proposed changes in permitted residential densities and commercial/industrial development intensities.

Housing

- The population capacity of the Plan has been reduced from approximately 323,000 to approximately 230,560 - a reduction of nearly 29%.
- The LOW MEDIUM density designation have been expanded in coverage from 293 gross acres in the amended 1973 Plan to 1,423 gross acres in the proposed Revision.
- the HIGH and HIGH MEDIUM density designation have been limited in coverage to the Redevelopment Project area and the area immediately north of Franklin Avenue in the Highland/Cahuenga corridor.
- In hillside areas, the proposed Plan designation more accurately reflects record lot size. Slopes generally in excess of 15% have been designated for Minimum density.

Commerce

- Each commercial land use designation has been assigned a corresponding FAR.
- The Community Commercial designation (with permitted FAR up to 3:1) is restricted to the East Hollywood Center Study Area (Exhibit E).
- Residential/commercial General Plan inconsistencies are proposed for resolution through adopted AB283 criteria. Commercial land use designations are thus proposed along Melrose Avenue, Santa Monica Boulevard, and Hillhurst Avenue which the 1973 Plan indicated as residential.
- Regional Center Commercial designation has been reduced in its gross acreage from 357 gross acres (1973 Plan) to 268 gross acres (1988 proposed Revision).

Industry

- The Plan recognizes clusters of existing entertainment industry activities.

- Each industrial land use designation has been assigned a corresponding FAR.
- Commercial Manufacturing coverage is slightly expanded.

Open Space

- Schools and recreation sites are more accurately mapped, as are other publicly owned properties.
- Forest Lawn Cemetery is more accurately mapped.
- Hollywood Freeway right-of-way is more accurately mapped.

Map Footnotes (Exhibit A1)

Because of the extent of the revision of the land use map and legend, the footnotes on the map face of the Plan needed to be completely reworked. This required deletion of some footnotes, rewriting of others, and a net addition of seven footnotes. All relate to clarification of the Map legend.

Community Plan Text (Exhibit B)

Extensive changes to the Community Plan text are proposed. All of these result from the need to update information, delete inaccurate or inoperative statements, and reflect adopted City policy. These changes are limited almost exclusively to the Policies and Programs sections of the text. They include updating the land use statistics tables as presented in Exhibits C and D. Among the significant changes are:

- discussion of the Hollywood Redevelopment Project, with addition of a map of the project area
- discussion of the designated Center Study Areas
- discussion of the State-mandated density bonus program
- deletion of the Hollywood Community Plan-specific (and unenforceable) parking requirements
- brief discussion of the MetroRail system
- reformatting of the "Service Systems" portion of the text to make it similar to that of the Silver Lake/Echo Park District Plan adopted in 1984.
- expanded discussion of "Circulation" in the Programs section
- reworking of the "Specific Plan Studies" section
- elimination of the "Planning Legislation" and "Zoning Actions" portions of the Programs section

Relationship to and Effect Upon the General Plan

The proposed Plan Revision would be consistent with the policies of the General Plan, including the citywide elements and Concept Los Angeles. It

proposes some changes to the Circulation Element and to the configuration of the East Hollywood Center Study Area.

Circulation Element (Exhibit A2)

The Revision incorporates (1) changes in street designation initiated through the subsequent (to 1973) adoption of adjacent community plans and (2) the deletion of the Beverly Hills Freeway right-of-way as adopted by City Council in October 1986 (CF 81-3528). In addition the Plan Revision:

- o eliminates the mapped jog elimination alignment of Martel Avenue and Vista Street between Melrose Avenue and Willoughby. The proposed mapping depicts the existing alignment. A proposed additional reference in the Plan text (Programs, "Circulation" 1h) discusses elimination of the jog.
- o eliminates the mapped Franklin Avenue jog elimination which depicts Franklin Avenue west of Highland passing north of the Methodist Church. A proposed additional reference in the Community Plan text (Programs, "Circulation" 1d) discusses improvements to the Franklin/Highland intersection.

In both cases, the changes are desirable to avoid potential problems with inverse condemnation. Note that while the Circulation Element and the land use map are here presented as separate exhibits for purposes of clarity, the Community Plan continues to incorporate the Highways and Freeways Element of the General Plan; it also continues to indicate collector streets.

Center Concept/Center Study Areas (Exhibit E)

The proposed Plan recognizes the Hollywood Center Study Area and the East Hollywood Center Study Area. It proposes, however, to modify the boundaries of the East Hollywood CSA in order to (1) delete the portion north of Hollywood Boulevard and (2) delete Vermont Avenue commercial frontage south of Fountain Avenue.

ENVIRONMENTAL STATUS

An Environmental Impact Report (State Clearinghouse No. 87112504) has been prepared by Terry A. Hayes Associates, a private consultant (Exhibit F). The circulation period for the Draft EIR commenced February 8, 1988. The EIR addresses primary issues of population and housing, traffic and circulation, land use, and public services.

Action of the General Plan Advisory Board

The General Plan Advisory Board (GPAB) considered the proposed Hollywood Community Plan Revision at its February 17, 1988 and June 15, 1988 meetings. The Traffic and Planning Issues and Implementation Committees of GPAB reviewed the proposed Revision in joint session on February 24, 1988. Modifications of the original proposed Plan recommended by these Committees were incorporated into Exhibit A2 and the Plan text (as indicated in Exhibit B). GPAB approved the Plan Revision proposal as modified at its June 15, 1988 meeting.

CITIZEN PARTICIPATION

Since its initiation in April 1986, preparation of the Hollywood Community Plan Revision has benefitted from the assistance and cooperation of other City agencies, the City Council Offices, and the Los Angeles Unified School District. Individual interest group meetings involving 23 groups were conducted in April of 1987. Community organization-focussed workshops (four) were conducted in early June of 1987. Three community meetings with formal presentations (preceded by individual property owner notifications and press releases) were conducted in late September of 1987 with a total attendance of slightly more than 1,200; questionnaires were distributed at each of the presentations.

Public hearings concerning changes to the Community Plan were conducted March 15, March 17 and June 16 of 1988 with substantial written and oral testimony provided by residents and property owners. Detailed reports of those hearings are contained in CPC Nos. 86-831 and 86-835 GPC. The interest group and community workshop sessions are discussed in Appendix I.

COMMUNITY-WIDE DEVELOPMENT STANDARDS

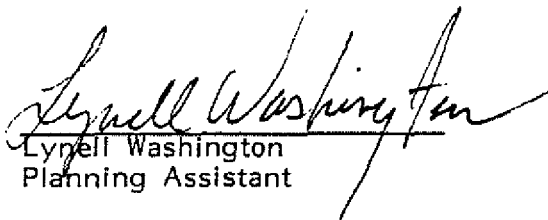
Throughout the citizen participation activities related to this Plan Revision, and through the environmental impact analysis, concern over the quality as well as the quantity of development in Hollywood was widely voiced. Department staff, in collaboration with Gruen Associates, have produced suggested guidelines for development standards which are attached as Appendix II. Direction is sought from the Planning Commission as to the final formulation of these standards and the appropriate means of implementation.

CONCLUSION

The view of the above information, staff recommends that the proposed Hollywood Community Plan Revision as described in Exhibit A - E be approved by the City Planning Commission.

Prepared by:

Approved by:


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HOLLYWOOD Community Plan

December 13, 1988

Effective April 2, 2014
City Council CF 12-0303 S4

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HOLLYWOOD PLAN

PURPOSES

USE OF THE PLAN

The purpose of the Hollywood Community Plan is to provide an official guide to the future development of the Community for the use of the City Council, the Mayor, the City Planning Commission; other concerned government agencies, residents, property owners, and business people of the Community; and private organizations concerned with planning and civic betterment. For the Council, the Mayor and the Planning Commission, the Plan provides a reference to be used in connection with their actions on various city development matters as required by law.

The Plan is intended to promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community, within the larger framework of the City; guide the development, betterment, and change of the Community to meet existing and anticipated needs and conditions; balance growth and stability; reflect economic potentials and limits, land development and other trends; and protect investment to the extent reasonable and feasible.

This Plan proposes approximate locations and dimensions for land use. Development may vary slightly from the Plan provided the total acreage of each type of land use, the land use intensities, and the physical relationships among the various land uses are not altered.

The Plan is not an official zone map and while it is a guide it does not imply any implicit right to a particular zone or to the land uses permitted therein. Changes of zone are considered under a specific procedure established under the Los Angeles City Charter and the Los Angeles Municipal Code, subject to various requirements set forth therein.

The Plan is subject to revision within five years, to reflect changes in circumstances.

OBJECTIVES OF THE PLAN

1. To coordinate the development of Hollywood with that of other parts of the City of Los Angeles and the metropolitan area.

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

2. To designate lands at appropriate locations for the various private uses and public facilities in the quantities and at densities required to accommodate population and activities projected to the year 2010.
3. 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.

To encourage the preservation and enhancement of the varied and distinctive residential character of the Community, and to protect lower density housing from the scattered intrusion of apartments.

In hillside residential areas to:

- a. Minimize grading so as to retain the natural terrain and ecological balance.
 - b. Provide a standard of land use intensity and population density which will be compatible with street capacity, public service facilities and utilities, and topography and in coordination with development in the remainder of the City.
4. To promote economic well being and public convenience through:
 - a. Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.
 - b. Designating land for industrial development that can be so used without detriment to adjacent uses of other types, and imposing restrictions on the types and intensities of industrial uses as are necessary to this purpose.
 - c. Encouraging the revitalization of the motion picture industry.
 - d. Recognizing the existing concentration of medical facilities in East Hollywood as a center serving the medical needs of Los Angeles.
 5. To provide a basis for the location and programming of public services and utilities and to coordinate the phasing of public facilities with private development. To encourage open space and parks in both local neighborhoods and in high density areas.
 6. To make provision for a circulation system coordinated with land uses and densities and adequate to accommodate traffic; and to encourage the expansion and improvement of public transportation service.
 7. To encourage the preservation of open space consistent with property rights when privately owned and to promote the preservation of views, natural character and topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region.

POLICIES

The Hollywood Community Plan has been designed to accommodate the anticipated growth in population and employment of the Community to the year 2010. The Plan does not seek to promote nor to hinder growth; rather it accepts the likelihood that growth will take place and must be provided for.

The Plan encourages the preservation of lower density residential areas, and the conservation of open space lands.

Much of the Hollywood Community is hillside and mountainous terrain, and as much of the remaining undeveloped land as feasible is to be preserved for open space and recreational uses. It is also the City's policy that the Hollywood Community Plan incorporate the sites designated on the Cultural and Historic Monuments Element of the General Plan; furthermore, the Hollywood Plan encourages the addition of suitable sites thereto.

LAND USE

COMMERCE

Standards and Criteria

The commercial lands (including associated parking) designated by this Plan to serve residential areas are adequate in quantity to meet the needs of the projected population to the year 2010, as computed by the following standards:

1. 0.6 acres per 1,000 residents for commercial uses for neighborhood or convenience-type commercial areas;
2. 0.2 acres per 1,000 residents for commercial uses for community shopping and business districts, including service uses and specialized commercial uses.

Parking areas should be located between commercial and residential uses on the commercially-zoned properties where appropriate to provide a buffer, and shall be separated from residential uses by means of at least a solid masonry wall and landscaped setback.

Features

The Plan provides approximately 1,139 acres of commercial and related parking uses.

The focal point of the Community is the Hollywood Center, located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street. The Hollywood Center is included in the Hollywood Redevelopment Project area as adopted in May 1986. This center area shall function 1) as the commercial center for Hollywood and surrounding communities and 2) as an

entertainment center for the entire region. Future development should be compatible with existing commercial development, surrounding residential neighborhoods, and the transportation and circulation system. Developments combining residential and commercial uses are especially encouraged in this Center area.

The Plan recognizes the concentration of medical facilities in the vicinity of the Sunset Boulevard/Vermont Avenue intersection; it is identified as the East Hollywood Center Study Area. Within an adjacent to this center should be housing for employees as well as retail establishments serving the medical complex personnel and clients. While a commercial development intensity of up to 3:1 FAR is envisioned, the Community Commercial designation should not be expanded beyond the current sites until the Metro Rail system or some other high capacity transportation facility is operational.

Strategically distributed throughout the Community would be neighborhood shopping areas, emphasizing convenience retail stores and services. The Plan encourages the retention of neighborhood convenience clusters offering retail and service establishments oriented to pedestrians.

HOUSING

Standards and Criteria

The intensity of residential land use in this Plan and the density of the population which can be accommodated thereon, shall be limited in accordance with the following criteria:

1. The adequacy of the existing and assured circulation and public transportation systems within the area;
2. The availability of sewers, drainage facilities, fire protection services and facilities, and other public utilities;
3. The steepness of the topography of the various parts of the area, and the suitability of the geology of the area for development.

To the extent feasible, the "cluster concept" is the preferred method to be utilized for new residential development in hillside areas in order to use the natural terrain to best advantage and minimize the amount of grading required. However, development by conventional subdivision shall not be precluded. The "cluster concept" is defined as the grouping of residential structures on the more level parts of the terrain while retaining a large area (75 to 80 percent) in its natural state or in a park-like setting. Density patterns indicated on the Plan Map may be adjusted to facilitate cluster developments, provided that the total number of dwelling units indicated in any development is not increased from that depicted on the Plan Map.

New apartments should be soundproofed and should be provided with adequate usable open space at a minimum ratio of 100 square feet per dwelling unit excluding parking areas, driveways and the required front yard setback.

Features

Apartments in high-density areas provide housing for about 37,430 persons. Medium and low-medium density apartment and townhouse areas provide for about 127,105 persons. The low-density residential character of many parts of Hollywood should be preserved, and lower density (Low Medium I or more restrictive) residential neighborhoods should be protected from encroachment by other types of uses, including surface parking. It is the intent of this Plan that all natural slopes generally in excess of 15% be limited to the minimum density range. Transitional building heights should be imposed, especially in the Medium density housing designated areas where this designation is immediately adjacent to properties designated Low Medium I or more restrictive.

The Plan encourages the preservation and enhancement of well defined residential neighborhoods in Hollywood through (1) application of Historic Preservation Overlay Zones where appropriate, and/or (2) preparation of neighborhood preservation plans which further refine and tailor development standards to neighborhood character.

The Plan encourages the rehabilitation and/or rebuilding of deteriorated single-family areas for the same use. Single-family housing should be made available to all persons regardless of social, economic, and ethnic background.

Additional low and moderate-income housing is needed in all parts of this Community. Density bonuses for provision of such housing through Government Code 65915 may be granted in the Low-Medium I or less restrictive residential categories.

The proposed residential density categories and their capacities are:

Residential Density	Dwelling		Gross Resd. Acres	& of Pop. Capacity	Pop. Capacity
	Units per Gross Acre*	Persons per Gross Acre			
Minimum	.5 to 1	3	945	11.6	2,835
Very Low II	2+ to 3	9	1,667	20.5	15,000
Low I	3+ to 5	12.5	410	5.0	5,125
Low II	5+ to 7	18.5	2,373	29.2	43,900
Low Med I	7+ to 12	26	439	5.4	11,415
Low Med II	12+ to 24	40	959	11.9	38,360
Medium	24+ to 40	74	1,045	12.8	77,330
High-Med	40+ to 60	95	122	1.5	11,590
High	60+ to 80	152	170	2.1	25,840
Totals			8,130	100.0	231,395

* "Gross Acre" includes one-half of abutting streets.

The 2010 population of Hollywood is projected to be approximately 219,000 persons, an increase of 38,000 over the 1980 population.

The Plan capacity is 5.7% in excess of the projected population figure for the year 2010.

INDUSTRY

Standards and Criteria

Industrial lands are located on a citywide basis without regard to the boundaries of individual communities or districts, under the general principle that such employment should be available within a reasonable commuting distance from residential locations. On-street parking should be discouraged in industrial areas.

If industrial expansion is permitted into residential areas, it should be conducted according to a planned development program to avoid a mixture of uses. Industrial lands are intended to be limited and restricted to types of uses which will avoid nuisance to other uses on adjacent lands.

Features

The Plan designates approximately 335 acres of land for industrial uses. A large proportion should be encouraged to be occupied by the types of industry which are indigenous to Hollywood-motion picture and television production, radio studios, sound and recording studios, film processing studios, and motion picture equipment manufacturing and distribution. The Plan proposes more intensive utilization of existing industrial sites and encourages the vacation of appropriate local streets and alleys in industrial areas for purposes of lot assemblage. The Plan recognizes the need to review and revise the Zoning Code relative to the classification of many entertainment industry uses.

To preserve this valuable land resource from the intrusion of other uses, and to ensure its development with high quality industrial uses in keeping with the urban residential character of the community, the Plan proposes classifying industrial land in restricted zoning categories, such as the MR zones, wherever possible.

CIRCULATION

Major transportation corridors serving other parts of the Los Angeles metropolitan area cross the Hollywood Community and thus the highways and streets of the community must accommodate traffic generated both within and without the community. To accommodate the transportation needs of the Community, the circulation system proposed in the Plan must be supplemented by a greatly improved public transportation system and/or additional highways and freeways. Unless such additional modes of transportation are provided, acute traffic congestion will be further aggravated in most parts of the community.

Several proposed Metro Rail stations are to be located in Hollywood. If higher intensity development is to be encouraged in the vicinity of these Metro Rail stations,

station area master plans should be prepared.

Standards and Criteria

Highways and local streets shown on this Plan shall be developed in accordance with standards and criteria contained in the Highways and freeways Element of the General Plan and the City's Standard Street Dimensions. Design characteristics which give street identity such as curves, changes in direction and topographical differences, should be emphasized by street trees and planted median strips and by paving. Streets, highways and freeways, when developed, should be designed and improved in harmony with adjacent development and to facilitate driver and passenger orientation.

The full residential, commercial and industrial densities and intensities proposed by the Plan are predicated upon the development of the designated major and secondary highways and freeways. No increase in density shall be effected by zone change or subdivision unless it is determined that the local streets, major and secondary highways, freeways, and public transportation available in the area of the property involved, are adequate to serve the traffic generated. Adequate highway improvements shall be assured prior to the approval of zoning permitting intensification of land use in order to avoid congestion and assure proper development. The Plan recognizes that within the designated Center Study Areas of Hollywood innovative parking programs should be instituted to accommodate these Centers' parking needs through creation of more available parking capacity and more efficient use of parking facilities.

Features

The Plan incorporates the Highways and Freeways Element of the Los Angeles General Plan. Collector streets are shown to assist traffic flow toward major and secondary highways. A transportation improvement and management plan is needed to create an integrated program of transportation mitigation measures such as traffic flow management, demand management programs, street widening, public transit, and private transit. The transportation program described in Section 518.1 of the Hollywood Redevelopment Plan is a component of this Community Plan-wide program.

SERVICE SYSTEMS

The public facilities (such as schools, libraries, etc.) shown on this Plan are to be developed in accordance with the standards for need, site area, design, and general location expressed in the Service-Systems Element of the General Plan. (See individual facility plans for specific standards.) Such development shall be sequenced and timed to provide a workable, efficient, and adequate balance between land use and service facilities at all times. The Plan recommends that a study be undertaken to develop revised standards and facility requirements

appropriate to a highly developed urban community including the provision of additional small parks.

The full residential, commercial, and industrial densities and intensities proposed by the Plan are predicated upon the provision of adequate public service facilities, with reference to the standards contained in the General Plan. No increase in density shall be effected by zone change or subdivision unless it is determined that such facilities are adequate to serve the proposed development. In mountain areas no tentative subdivision map shall be approved until reviewed and approved by the Fire Department.

RECREATION AND PARKS

Policies

It is the City's policy:

1. That the desires of the local residents be considered in the planning of recreational facilities.
2. That recreational facilities, programs and procedures be tailored to the social, economic and cultural characteristics of individual neighborhoods and that these programs and procedures be continually monitored.
3. That existing recreational sites and facilities be upgraded through site improvements, rehabilitation and reuse of sound structures, and replacement of obsolete structures, as funds become available.
4. That, in the absence of public land, and where feasible, intensified use of existing facilities and joint use of other public facilities for recreational purposes be encouraged.
5. That the expansion of existing recreational sites and the acquisition of new sites be planned so as to minimize the displacement of housing and the relocation of residents.

FIRE PROTECTION

Policies

It is the City's policy:

1. That the various components of the fire protection/emergency medical services system be continually evaluated and updated by the Fire Department in coordination with other City departments, as fire protection techniques, apparatus, needs and land use patterns change.
2. That the expansion of existing fire stations and the acquisition of new sites be planned and designed to minimize the displacement of housing and relocation of residents.

3. That public education activities concerning the elimination of fire hazards, methods of fire protection and emergency medical service be encouraged.
4. That the existing paramedic program be continually evaluated, updated and improved.
5. That the City intensify its program of fire protection through weed abatement.

PUBLIC SCHOOLS

Policies

It is the City's policy:

1. That the Los Angeles Unified School District's standards and criteria for student travel distance, minimum school size and optimum pupil enrollment be tailored to specific Hollywood area characteristics of land use, street circulation, topography, population densities, number of school age children and availability of vacant land.
2. That the Los Angeles Unified School District be requested to tailor improvements in educational programming, curricula and staffing to the specific social, economic and cultural characteristics of the Community's residents .
3. That all school facilities in the Hollywood Community be constantly reviewed, analyzed and upgraded, in view of the fact that the District contains some of the oldest schools in the City.
4. That due to an absence of vacant land, an after-hours, multi-use concept of school facilities, together with a joint-use concept of other public facilities, be encouraged and promoted.
5. That the expansion of school sites be planned so as to minimize displacement of residents and that, where possible, alternative architectural concepts be developed.
6. That the expansion of school facilities be accommodated on a priority basis and consider the following: existing school size, age of main buildings, current and projected enrollment and projected land uses and population.
7. That the location of new school facilities be based on population densities, number of school age children, projected population, circulation, and existing and future land uses.
8. That all school facilities adjacent to freeways be buffered against visual, noise and air pollution impacts.
9. That educational opportunities for adults be expanded in the community.

LIBRARY

Policies

It is the City's policy:

1. That library facilities, procedures, programs and resources be continually evaluated and tailored to the social, economic and cultural needs of local residents.
2. That, where feasible, bookmobile service to isolated residents be encouraged as a complimentary service of community branch libraries.
3. That the expansion of existing library facilities and the acquisition of new sites be planned and designed to minimize the displacement of housing and relocation of residents.

OTHER PUBLIC FACILITIES

Policies

It is the City's policy:

1. That, where feasible, new power lines be placed underground and that the undergrounding of existing lines be continued and expanded.
2. That new equipment for public facilities be energy efficient.
3. That solar access to adjacent properties be recognized and protected in the construction of public facilities.

SOCIAL SERVICES

Policies

It is the City's policy:

1. That all public and private agencies responsible for the delivery of social services be encouraged to continually evaluate and modify programs as needs change and funds become available.
2. That publicly funded agencies strive to achieve and maintain a high level of awareness and understanding to the ethnic and cultural diversity of the community.

PROGRAMS

These programs establish a framework for guiding development of the Hollywood Community in accordance with the objectives of the Plan . In general, they indicate those public and private actions which should take place during the initial ten years following revision of the Plan. The described actions will require the use of a variety of implementation methods.

PUBLIC IMPROVEMENTS

1. CIRCULATION

To facilitate local traffic circulation, relieve congestion, and provide mobility for all citizens, the following are recommended:

- a. Continued development of the freeway, highway, and street system in conformance with existing and future adopted programs. This should include participation of the City in a regional study focusing on Route 2 capacity increases.
- b. Continued planning of and improvements to the public transportation system for the community, including people-mover systems in high intensity areas as well as the proposed Metro Rail System.
- c. Preparation of a Hollywood Transportation Plan in ordinance form which creates an integrated program of transportation mitigation measures.
- d. Improvement of the Highland/Franklin intersections, including jog elimination either through realignment of Franklin Avenue or through grade separation.
- e. Improvement of Fountain Avenue as an east-west arterial, including jog elimination in the vicinity of Le Conte Junior High School.
- f. Improvement of the Hollywood Boulevard/La Brea Avenue intersection, including jog elimination.
- g. Improvement of the Los Feliz Boulevard/ Western Avenue intersection, including realignment of the curve.
- h. Improvement of Martel Avenue/Vista Street as a north-south arterial, including jog elimination north of Waring Avenue.

2. RECREATION, PARKS AND OPEN SPACE

The City should encourage continuing efforts by County, State, and Federal agencies to acquire vacant lands for publicly owned open space. The Plan encourages creation of the Los Angeles River Greenbelt corridor which would be integrated with existing and proposed parks, bicycle paths, equestrian trails, and scenic routes.

3. OTHER PUBLIC FACILITIES

The development of other public facilities such as fire stations, libraries, and schools should be sequenced and timed to provide a balance between land use and public services at all times. New power lines should be placed underground, and a program for the undergrounding of existing lines should be developed.

PRIVATE PARTICIPATION

Citizen groups are encouraged to undertake private actions for community improvements such as:

1. Initiation by property owners and merchants of programs to increase off-street parking facilities serving adjacent shopping areas.
2. Promoting street tree planting programs in commercial areas as well as residential areas.
3. Sponsoring clean-up and beautification programs to improve the general environment.

HOLLYWOOD REDEVELOPMENT PLAN

A Redevelopment Plan has been adopted by City Council (May 1986) for the area outlined in Map A. The purpose of the Redevelopment Plan is to implement the Community Plan's goals for the revitalization of the Hollywood Center. In order to accomplish these goals the Redevelopment Plan includes several tools, some of which ensure that standards established by the Community Redevelopment Agency (CRA) are carried out.

URBAN DESIGN DISTRICTS

The Hollywood Redevelopment Plan includes three special urban design districts also outlined in Map A. These are (1) the Hollywood Boulevard District (2) the Hollywood Core Transition District and (3) the Franklin Avenue Design District. Objectives defined in these urban design programs shall guide and regulate development for those areas.

REGIONAL CENTER COMMERCIAL DEVELOPMENT

The Redevelopment Plan limits development within the Regional Center Commercial designation to the equivalent of an average floor area ratio (FAR) of 4.5:1 for the entire area so designated. Proposed development in excess of 4.5:1 FAR up to 6:1 FAR may be permitted provided that certain objectives set forth in the Redevelopment Plan subsection 506.2.3 are met. In order to provide incentives for historic and cultural preservation, the unused density from significant structures may be transferred to other development sites.

HOUSING INCENTIVE UNITS

In order to promote revitalization and improvement of residential properties and neighborhoods, the CRA Board may authorize new housing to be developed with more dwelling units per acre than otherwise permitted in the Redevelopment Plan (up to 30% more dwelling units than permitted by that plan) in order to achieve the objectives set forth in Section 505.3 of the Redevelopment Plan. In no

event may such authorization, in and of itself, exceed the maximum number of dwelling units permitted by Zoning.

In general, the Redevelopment Plan establishes a framework for implementing community revitalization activities. All development, including the construction of new buildings and the remodeling and expansion of existing buildings, must conform to the Redevelopment Plan. All building permits must be submitted to and approved by the CRA for development within the Redevelopment Project area.

SPECIFIC PLAN STUDIES

Specific Plan studies are suggested in the following areas:

- East Hollywood Center Study Area/Metro Rail Station area: focusing on the Medical Centers, providing for off-street parking, pedestrian walkways, landscaping, site planning, and mixed use development.
- Industrial Districts: emphasizing the retention and development of the entertainment industry, and including street widening, street improvement and parking, and clustering of complementary uses/services.
- Neighborhood preservation plans: to maintain and enhance the quality of development in, and reinforce the definition of, individual residential neighborhoods.
- Metro Rail Station areas: If development intensities greater than those depicted in this Plan are to be encouraged, station area master plans should be prepared.

HOLLYWOOD REDEVELOPMENT PLAN

As First Amended on
May 20, 2003

(Ordinance No. 175236 -- Effective Date: July 12, 2003)

HOLLYWOOD REDEVELOPMENT PLAN

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Attachments:

Exhibit A.1	Redevelopment Plan Map
Exhibit A.2	Alternate Land Uses Map
Exhibit A.3	Special Districts Map
Exhibit B	Legal Description Hollywood Project Area
Exhibit C	Limitation on Type, Size and Height of Buildings
Exhibit D	Diagram Illustrating Approximate Amount of Open Space to be provided and Property Devoted to Public Purposes

of this section, tax increments allocated to the Agency (which are not pledged to pay tax allocation bonds) after deduction for amounts paid to taxing entities by operation of law and/or pursuant to reimbursement agreements between the Agency and such taxing entities, plus net usable tax allocation bond proceeds received by the Agency less amounts paid to such taxing entities by operation of law and/or pursuant to reimbursement agreements. The requirements of this Section are intended to be and shall be in addition to the low and moderate income housing expenditure requirements of Section 410.3 of this Plan.

V. 500. LAND USES PERMITTED IN THE PROJECT AREA

501. General Controls and Limitations

All real property in the Project Area is hereby made subject to the controls and requirements of this Plan and all applicable state laws and city ordinances and regulations. No real property in the Project Area shall be subdivided, developed, rehabilitated or otherwise changed after the date of the adoption of this Redevelopment Plan, except in conformance with the provisions of this Plan or applicable Designs for Development adopted pursuant to this Plan. The Agency shall submit each design for development and the urban design plan referred to in Section 506.2.1 of this Plan to the Planning Commission for its review and recommendation prior to adoption thereof by the Agency. The Planning Commission shall have 90 days from its receipt thereof within which to submit its recommendation to the Agency. In the absence of such Planning Commission recommendation within 90 days the Agency may proceed to act upon the matter.

502. Map

The Redevelopment Plan Map, "Exhibit A.1," attached hereto and incorporated herein shows the location of the Project Area boundaries, the immediately adjacent streets, the public rights-of-way, the proposed land uses to be permitted in the Project Area for all public, semi-public and private land and designated districts of special import.

~~The Agency is authorized to permit the Land Uses shown on Amended Exhibit A.1.~~ Notwithstanding anything to the contrary in this Plan, the land uses permitted in the Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplemented from time to time. The initiation of any proposed amendment and/or supplement to the General Plan, applicable Community Plan, and/or any applicable City zoning ordinance shall be coordinated

between the Department of City Planning and the Agency. In the event the General Plan, the applicable Community Plan, and/or any applicable City zoning ordinance is amended and/or supplemented with regard to any land use in the Project Area, the land use provisions of this Plan, including, without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment process. At such time, the Agency shall be authorized to replace any Exhibits hereto with modified Exhibits in order to conform to such amended or supplemented General Plan, applicable Community Plan, or applicable City zoning ordinance.

503. Design(s) for Development

The Agency is authorized to adopt development and design guidelines, after a public hearing, which are intended to carry out the goals of the Plan. If the area guidelines shall conform to and implement the objectives of the district. These development and design guidelines shall be known as Design(s) for Development. Within the limits, restrictions, and controls established in the Plan, the Agency is authorized to establish development standards including standards for: types of uses; building heights; land coverage; bulk; size; density; landscaping including walls, fences and hedges; setbacks which may include development and landscaping within the setbacks; design criteria including architectural style; loading areas; service facilities which may include trash storage areas; signs and billboards; lighting; historic preservation and rehabilitation; security and safety; transportation improvements such as traffic circulation and capacity, access points and curb cuts, parking requirements and restrictions, and travel demand management standards which may include provisions for bus subsidies, van pooling and ride sharing; and other development design and density controls necessary for proper development of both private and public areas within the Project area.

504. Variances, Conditional Use Permits, Building Permits and Other Land Development Entitlements

No zoning variance, conditional use permit, building permit, demolition permit or other land development entitlement shall be issued in the Project Area from the date of adoption of this Plan unless and until the application therefor has been reviewed by the Agency and determined to be in conformance with the Plan and any applicable Design for Development. The Agency shall develop procedures for the expedited review of said applications.

505. Residential Uses

Areas shown on the map as Residential shall be maintained, developed or used for single or multiple-family housing at or below the housing densities indicated. Parking facilities for residential uses shall be permitted in areas shown on the map as residential.

It is an important goal of this Plan to maximize the opportunity for housing choices. Therefore, the Plan designates six residential categories in the Project Area which permit a variety of housing choices in order to encourage the preservation and enhancement of the varied and distinctive residential character of the community, preserve stable single-family residential neighborhoods, and provide multiple-family dwelling units. All new housing shall be developed in accordance with the densities indicated below:

Low:	Up to 7 units per gross acre
Low Medium:	Up to 24 units per gross acre
Medium:	Up to 40 units per gross acre
High Medium:	Up to 60 units per gross acre
High:	Up to 80 units per gross acre
Very High:	Up to 130 units per gross acre

A gross acre is defined as the site area plus one half of any abutting street(s) and alley(s).

Within portions of the Project Area designated for residential use there are clusters of single family homes and architecturally and/or historically significant buildings or groups of buildings. There is also a need for additional parking.

Therefore, in order to enhance the environmental quality of residential areas Design(s) for Development may be adopted to:

- 1) Ensure that the scale, density, bulk and general architectural style of new development is compatible with the architectural and/or historical features of a neighborhood;
- 2) Reduce the permitted density of an area below that density otherwise permitted in order to preserve clusters of houses; and
- 3) Ensure that an appropriate amount of parking is provided for residents of the area.

The residential density provisions of this Plan as they pertain to areas designated "Low Medium 2" shall not be effective for a period of 180 days following the adoption of this Plan.

505.1 Very High

Very High: Up to 130 units per gross acre.

Development within the Very High designation is intended to provide a high density housing choice within Hollywood. Development above 80 units per gross acre shall be reviewed and approved by the Agency to ensure architectural quality, to ensure that parking is provided which will be sufficient to serve the needs of the occupants of the development, and to ensure that architecturally and/or historically significant buildings within a development site are, to the extent practical, preserved.

The Agency shall review and approve development above 80 units per gross acre. The review shall include an examination of architectural plans (including landscaping, circulation and parking and elevation drawings) to determine compatibility with the character, scale and architecture of the neighborhood, and to ensure that sufficient parking is provided.

505.2 Franklin Avenue Design District

That area on the Redevelopment Plan Map designated "Franklin Avenue Design District" recognizes the need for sensitivity and balance in the redevelopment of this area because of the potential impact upon views to and from the Hollywood Hills. The Agency shall review all new development within this District to ensure that views to and from the Hollywood Hills are, to the extent practical, preserved. This review shall include an examination of the following:

- The topography in the area and the existing building scale in the immediate vicinity;
- The views to and from the Hollywood Hills which will be affected and;
- The development plans including the building massing, orientation, height and bulk.

The Agency shall, within five (5) years following the adoption of the First Amendment to this Plan, prepare a detailed design plan for this area which addresses preservation of architecturally and/or historically significant buildings, parking, circulation and views to and

from the Hollywood Hills including the height, orientation and massing of new development within this District.

The Agency may adopt one or more Design(s) for Development which may implement this comprehensive plan.

505.3 Housing Incentive Units

In order to promote revitalization and the improvement of residential properties and neighborhoods, the Agency may authorize new housing to be developed or buildings to be rehabilitated with more dwelling units per acre than otherwise permitted by Section 505. Such increased dwelling units shall be known as *Housing Incentive Units*. *Housing Incentive Units* may be granted in order to improve design quality and to achieve one or more of the following objectives:

- 1) To provide housing units for occupants with a variety of incomes;
- 2) To provide for the preservation of historic and/or architecturally significant structures;
- 3) To provide recreation areas, cultural facilities, social services and/or open space.

The Agency shall grant no more than 3,000 *Housing Incentive Units*. The Agency shall require the owner/developer seeking *Housing Incentive Units* to enter into a development or participation agreement and may only authorize and approve *Housing Incentive Units* provided that:

- No parcel shall be developed at a residential density which exceeds by more than thirty per cent (30%) the density limitations for that parcel as set forth in Section 505.
- *Housing Incentive Units* shall not be granted in the Very High designation.
- The units within the proposed development have adequate floor area, living spaces and amenities which are appropriate for the unit size and type of the proposed development. For example, a development proposal to provide housing for households with children shall provide recreational areas and open space appropriate for children;
- The development contributes to a desirable residential environment and the long-term neighborhood improvement; and

- The development conforms to the objectives of the special district and/or the Design for Development, if applicable. The Agency may limit the number of Housing Incentive Units to be granted in and area.

505.4 Commercial Uses Within Residential Areas

In order to provide neighborhood commercial services, provide for pedestrian activity, upgrade residential neighborhoods, preserve an historic and/or architecturally significant structure, and/or provide tourist facilities, certain commercial uses may be permitted in residential areas. Such commercial uses shall be permitted only by the execution of a participation or development agreement with the Agency. The Agency shall take particular care in the review of proposed uses involving the sale and/or service of alcoholic beverages to ensure that the uses meet the objectives of this section.

The Agency may permit new commercial uses including commercially related parking uses, in residentially designated areas in any of the following circumstances:

- The commercial use is to be located within and primarily serve a new residential building. Such commercial uses shall be appropriate in terms of need based on development population characteristics, proximity to similar uses and shall be limited to convenience shops such as laundry/dry cleaners, pharmacies, and other related and appropriately scaled neighborhood oriented uses.

- Commercial uses or home occupations in residential building such as professional offices for accountants, architects, and lawyers that are operated by the occupant of the dwelling unit; that have no more than four (4) workers; and that are not an on-site retail sales use.

- The commercial use is on the ground floor of a residential building fronting on a major street or boulevard such as Western Avenue or La Brea Avenue.

- The new commercial use is a hotel, bed and breakfast or other tourist guest facility.

- The parcel(s) are adjacent to areas designated for commercial use and support commercial uses in commercially designated areas. This section provides for the expansion of a commercial development into a residential area if no street or alley separates the commercial land use designation from the residential land use designation.

Conditions for approving commercial uses in residential designations shall include the following: (1) the commercial uses shall contribute to the achievement of the goals of

this Plan, the improvement of the area and the objectives of a special district and/or Design for Development, if applicable; (2) the commercial uses shall be reviewed and found to be compatible with the neighborhood with respect to environmental impact on the residential area such as noise, traffic, architectural and/or historic resources, parking and hours of operation; (3) the architecture, landscaping, lighting, signage and setbacks of the new commercial development shall contribute to the improvement of the residential neighborhood. The commercial development shall meet all design and location criteria specified by the Agency.

506. Commercial Uses

Areas designated on the Map as Commercial shall be maintained, developed and used for Community, Highway Oriented, Neighborhood and Office, or Regional Center Commercial uses as defined in Sections 506.1 and 506.2 of this Plan. Residential uses may be permitted in Commercial areas pursuant to Section 506.3 of this Plan.

As used in this Plan the phrase "Floor Area Ratio" or F.A.R. is defined as the ratio of total floor area of all buildings in a parcel to the parcel area. The floor area of a building excludes space devoted to stairwells, elevator shafts, light courts vehicular parking and mechanical equipment.

The revitalization and development of attractive residential neighborhoods is dependent upon the availability of providing essential neighborhood commercial services such as food markets, and pharmacies. The attraction, retention and expansion of these commercial services shall be an integral part of redevelopment efforts in Hollywood.

There are several types of commercial uses which have traditionally been associated with Hollywood and contribute to the unique character of the area. These uses include restaurants, theaters, bookstores and technical entertainment related business uses. To the extent feasible the Agency shall make special efforts to retain within Hollywood those businesses that have traditionally been associated with Hollywood and are assets to the community. These efforts may include technical or financial assistance and discretionary land use actions as provided for and consistent with this Plan. The Agency will make attempts to retain such businesses at or near their present locations.

506.1 Community, Highway Oriented, and Neighborhood and Office Commercial

Community, Highway Oriented and Neighborhood and Office Commercial Uses shall generally provide neighborhood oriented goods and services, shall not exceed an F.A.R. of 3:1, and shall conform to the following criteria as determined by the Agency:

- 1) Promote community revitalization;
- 2) Conform with the goals and objectives of the Plan; and
- 3) Be compatible with the adjacent residential uses and neighborhood.
- 4) Include, but not be limited to, neighborhood oriented uses such as; professional offices, institutional uses, food markets, laundries, dry cleaners, pharmacies and other neighborhood retail or service businesses.
- 5) Limited ancillary manufacturing or assembly is permitted when goods produced are sold at retail on premises and not more than five (5) persons are engaged in non-retail activities.

To provide and ensure quality residential neighborhoods the Agency may, for commercial areas which are adjacent to residential areas, adopt Design(s) for Development which; determine circulation patterns, parking locations, landscaping, height, bulk of buildings and other design guidelines.

506.2 Regional Center Commercial

Regional Center Commercial uses shall generally provide goods and services which are designed in a manner that appeals to a regional market as well as to local markets and includes uses such as theaters, restaurants, hotels, offices, and retail or service businesses.

Two special districts shall be designated with the Regional Center Commercial designation. These districts are the Hollywood Boulevard District and the Hollywood Core Transition District. As indicated on the Special Districts Map (Exhibit A.3), parcels on the north side of Hollywood Boulevard between Vista Del Mar and Gower Streets, and on the east side of Argyle Avenue north of Carlos Street and south of Yucca Street are within both special districts. Development on these parcels shall meet the requirements of the two districts.

506.2.1 Hollywood Boulevard District

Hollywood Boulevard and adjacent properties as illustrated on the Redevelopment Plan Map shall be designated as the Hollywood Boulevard District. The objectives of the District are to:

- 1) Encourage preservation, restoration and appropriate reuse of historically or architecturally significant structures;
- 2) Assure that new development is sympathetic to and complements the existing scale of development;
- 3) Provide pedestrian oriented retail uses along the street level;
- 4) Encourage entertainment, theater and tourist related uses;
- 5) Provide adequate parking for new and existing uses; and
- 6) Reinforce and enhance the existing pedestrian environment.

An urban design plan including design guidelines and criteria and a parking and circulation program to achieve these objectives shall be developed by the Agency within five (5) years following the adoption of the First Amendment to this Plan. These guidelines may be adopted as one or more Design(s) for Development. All new development in the District shall meet the design guidelines to ensure that the objectives of the District are achieved. The Design(s) for Development may include a reduction of density by up to 33% in certain areas to insure that the objectives of the District are met.

506.2.2 Hollywood Core Transition District

Properties designated on the Redevelopment Plan Map as "Hollywood Core Transition District" shall be given special consideration due to the low density of the adjacent residential areas. The objective of this District is to provide for a transition in the scale and intensity of development between Regional Center Commercial uses and residential neighborhoods.

The Agency shall review all building permits in this District to ensure that circulation patterns, landscaping, parking and the scale of new construction is not detrimental to the adjacent residential neighborhoods.

Development guidelines shall be prepared for this District to ensure that new development is compatible with adjacent residential areas. These design guidelines shall be developed by the Agency within five (5) years following the adoption of the First Amendment to this Plan. These guidelines may be adopted as one or more "Design(s) for Development".

506.2.3 Regional Center Commercial Density

Development within the Regional Center Commercial designation shall not exceed the equivalent of an average floor area ratio (F.A.R.) of 4.5:1 for the entire area so designated.

It is the intent of this Plan, however, to focus development within the Regional Center Commercial designation, as hereinafter set forth, in order to provide for economic development and guidance in the orderly development of a high quality commercial, recreational and residential urban environment with an emphasis on entertainment oriented uses. Therefore, development within the Regional Center Commercial designation shall be focused on areas served by adequate transportation facilities and transportation demand management programs. Further it shall reinforce the historical development patterns of the area, stimulate appropriate residential housing and provide transitions compatible with adjacent lower density residential neighborhoods.

Proposed development in excess of 4.5:1 F.A.R. up to but not to exceed 6:1 F.A.R. or such other density may be permitted by future amendments to the Community Plan, on a specific site may be permitted as hereinafter set forth provided that the proposed development furthers the goals and intent of this Plan and the Community Plan and meets objective "a" and at least one other of the following objectives:

- a) 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;
- b) to provide for new development which compliments the existing buildings in areas having architecturally and/or historically significant structures or to encourage appropriate development in areas that do not have architecturally and/or historically significant buildings.
- c) to provide focal points of entertainment, tourist or pedestrian oriented uses in order to create a quality urban environment; and
- d) to encourage the development of appropriately designed housing to provide a balance in the community.
- e) to provide for substantial, well designed, public open space in the Project Area.

f) to provide social services or facilities for social services which address the community's needs.

The Agency may permit development in excess of 4.5:1 F.A.R. up to but not to exceed 6:1 F.A.R. or such other density as may be permitted by future amendments to the Community Plan, only if the Agency makes the following findings and determinations:

1. The proposed development conforms with the provisions and goals of the Redevelopment Plan and any applicable Design(s) for Development or requirements of the Hollywood Boulevard District or Hollywood Core Transition District.

2. Permitting the proposed development serves a public purpose objective such as: the provision of additional open space, cultural facilities, public parking, or the rehabilitation of an architecturally or historically significant building.

3. Any adverse environmental effects especially impacts upon the transportation and circulation system of the area caused by proposed development shall be mitigated or are overridden by other social, economic or physical considerations, and statements of findings are made.

No development in excess of 4.5:1 shall be permitted without a binding written agreement with the Agency which ensures that the proposed development will occur in conformity to the Redevelopment Plan and this Section by providing for, among other things, Agency review and approval of all plans and specifications, the compliance with all conditions applicable to development in excess of a 4.5:1 site F.A.R. and the provision of adequate assurances and considerations for the purpose of effectuating the objectives of this Plan.

The Agency shall request from the Planning Commission a determination as to the conformity of the proposed development with the Community Plan. The Planning Commission shall make its determination of conformity within thirty (30) days from the date of the Agency's request. A proposed development shall be deemed in conformance with the Community Plan if the Planning Commission fails to render a determination within thirty (30) days. A determination by the Planning Commission may be appealed to the City Council if such appeal is made within fifteen (15) days of the Planning Commission's determination.

The Agency shall monitor all new development in excess of 50,000 square feet within the Regional Center Commercial designation and make annual reports to the Planning Commission and the City's Department of Transportation on the average floor area ratio,

P.M. peak hour trips generated and off-street parking supply and an assessment of transportation demand management programs within the Regional Center Commercial designation. The Agency will ensure that the average floor area ratio within this designation does not exceed an F.A.R. of 4.5:1. Sites designated on the Redevelopment Plan Map as Public shall not be included in the averaging of the floor area ratio. This shall be done, from time to time, to the extent necessary, by creating an overall balance between new developments which exceed a 4.5:1 site F.A.R. and areas or activities which do not reach a 4.5:1 site F.A.R. such as open spaces or public facilities created or rehabilitated after adoption of the Redevelopment Plan; new developments or redevelopment activities (including historic preservation or rehabilitation) which are below 4.5:1; or any other means the Agency deems appropriate which will maintain the designation's average F.A.R. at or below 4.5:1. When the average F.A.R. for the designation reaches a ratio of 2.0:1 the Agency, within 90 days will submit to the Planning Commission, the City Council, and the Department of Transportation a report analyzing the cumulative impact of Core area development upon the transportation and circulation system in the area, including P.M. peak hour trips generated; further the Agency shall submit to the City Planning Commission and to the City Council a program establishing and identifying specific methods and mechanisms of Agency action to acquire open space or otherwise restrict or decrease density in order to maintain an overall 4.5:1 F.A.R.

506.3 Residential Uses Within Commercial Areas

New and rehabilitated residential uses shall be encouraged within the Regional Center Commercial land use designation. Subject to Agency approval of a development or participation agreement(s), the Agency may permit the development of new residential uses within commercial areas. The conditions for approving such a development shall include a determination that the residential development, as well as any commercial development in the case of a mixed use development, meets all design and location criteria specified by the Agency to ensure that the goals of this Plan are met and that amenities are provided which are appropriate to the size and type of housing units proposed.

506.4 Industrial Uses Within Commercial Designations

Two goals of this Plan are to preserve and increase employment, business and investment opportunities and to support and promote the entertainment industry in Hollywood. In order to achieve these goals development and expansion of individual uses may be permitted

within commercial designations subject to the execution of a development or participation agreement and the following conditions:

1. Environmental impacts of the proposed development including circulation pattern, noise and air quality are compatible with a commercial development.
2. The site plan, architecture and landscaping for the proposed development contributes to the revitalization of the area.
3. Uses of a commercial nature within the proposed development shall be to the extent practical, oriented toward the primary commercial street frontage of the property.

507. Industrial

Areas designated on the Map as Industrial shall be developed, maintained and used for Commercial Manufacturing and Limited Industrial uses as indicated. Such uses shall be of a low noise and non-noxious nature, conform with the goals and objectives of the Plan and promote community revitalization. Entertainment related service and production uses shall be encouraged in these areas. New industrial development in areas adjacent to or across the street from residential areas shall be designed in a manner that is not detrimental to the residential areas with respect to circulation, scale, massing and noise.

In order to promote quality residential neighborhoods, plans for industrial uses to be developed adjacent to or across the street from residential areas shall be reviewed and approved by the Agency to ensure that the new developments are not detrimental to the residential area. The Agency shall review circulation, scale, massing and architectural and landscape programs for the new development.

507.1 Commercial Manufacturing

The intent of the Commercial Manufacturing designation is to provide for industrial expansion. The Agency may, through the adoption of a design for development, limit new commercial uses in the Commercial Manufacturing designation. Commercial Manufacturing uses include, but are not limited to uses such as television, radio, video and motion picture related production uses, office, retail, electronic assembly, jewelry manufacturing, baking, parking structures and other related and compatible uses. Commercial Manufacturing uses shall also include Community Commercial uses.

507.2 Limited Industrial

Limited Industrial uses include, but are not limited to uses such as: television, video, radio, and motion picture production, machine and woodworking shops, electronic instrument and electrical appliance manufacturing, pharmaceuticals manufacturing, and other related and compatible uses.

507.3 Commercial Uses Within Limited Industrial Areas

Subject to Agency approval of a development or participation agreement the Agency may, but is not required to, permit the development of commercial uses within Limited Industrial Areas. The commercial uses shall conform to the following criteria and determined by the Agency:

- 1) Promote community revitalization.
- 2) Conform to the goal and objectives of the Plan.
- 3) Be compatible with and appropriate for the industrial uses in the area.
- 4) Meet design and location criteria required by the Agency.

508. Public and Quasi-Public Uses Throughout the Project Area

508.1 Public

Areas shown on the Redevelopment Plan Map (Exhibit A.1) as Public shall be used for public facilities, including school sites, public services, open space and recreation areas.

The Agency may, at the request of the public body owning the a site, and after public hearing, redesignate the site for a use other than Public provided that:

- 1) After a review of the environmental effects of the proposed use and the proposed development concept, the Agency finds that the change in use is consistent with the goals of the Redevelopment Plan;
- 2) The change in use is compatible with the land use designations for the adjacent areas; and
- 3) In a situation where open space and/or recreation areas are the current use, the open space and/or recreation areas use will be replaced within a reasonable time period.
- 5) The change in use shall be subject to all required City approvals and shall conform to the Community Plan as it may be amended from time to time.
- 6)

508.2 Public Street Layout, Rights of Way and Easements

The public rights-of-way and principal streets proposed for the Project Area are illustrated on the Redevelopment Plan Map.

Such streets and rights-of-way may be widened, altered, abandoned, vacated, or closed as necessary for proper development of the Project. Additional public streets, alleys and easements may be created in the Project Area as needed for proper development and circulation.

Any proposal vacating, modifying or creating streets shall be submitted to the Agency for consultation prior to final action by the City. The public rights-of-way shall be used for vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained or created.

Hollywood contains many properties developed prior to the adoption of modern traffic safety standards. Properties have multiple curb-cuts which have been developed through the past decades. Many of these are underutilized and/or abandoned. As property is redeveloped and as public improvements are constructed, the number and the location of curb-cuts shall be examined with the objective of reducing the number of curb cuts and improving the environment in Hollywood.

508.3 Other Public and Quasi-Public Uses

In order to meet the social needs of the Project Area, throughout the Project Area the Agency is authorized to permit the establishment, alteration or enlargement of public, semi-public, institutional, or non-profit uses, including uses providing social services such as child or elderly care centers, shelters for runaways and minors, park and recreational facilities, libraries, hospitals, educational, fraternal, employee, philanthropic and religious and charitable institutions, and facilities of other similar associations or organizations. The Agency may impose restrictions upon such uses as are necessary to further the goals of the Plan and protect the development and the use of the Project Area. The Agency shall give special consideration to participating in such projects with qualified non-profit organizations which have a special understanding of the needs and concerns of the community.

508.4 Open Spaces, Landscaping, Light, Air and Privacy

An objective of the Plan is to provide large usable publicly accessible open spaces which are an organic part of the urban environment. In order to achieve this objective the

Agency may require, as part of a participation or development agreement, participation in the provision of parks and open spaces. It is recognized that the Project Area lacks adequate open space, recreational areas and landscaping. Throughout the Redevelopment process, in review of specific development proposals and in adopting Designs for Development, the need for additional publicly accessible open space and landscaping, including street trees shall be recognized and encouraged.

509. Non-Conforming Uses

A non-conforming use is the use of a building or land which does not conform to this Plan and which existed at the time the Plan became effective. A non-conforming use may continue.

The Agency may authorize additions, alterations, repairs or other improvements to such non-conforming uses in the Project Area if, in the determination of the Agency, such improvements would be compatible with surroundings and proposed uses and development.

The Agency may require the owner of such property to enter into a Participation Agreement and agree to the imposition of such reasonable restrictions as are necessary to meet the objective of the Plan.

510. New Construction

All construction and development shall conform to all applicable state laws and city ordinances and regulations and shall be subject to review and approval by regulatory governmental bodies as required by law and this Plan.

511. Preservation, Rehabilitation and Retention of Properties

It is recognized that the Hollywood Project Area contains numerous buildings and groups of buildings with architectural and historical significance examples of which include the Hollywood Boulevard Commercial and Entertainment Historic District, Crossroads of the World and the U.S. Post Office which are listed in the National Register of Historic Places. It is further recognized that these buildings represent an important resource and a link to Hollywood's past. These can provide the basis for the revitalization of the Hollywood Project Area.

Buildings listed as Cultural-Historic Monuments by the City and listed in, determined or appear to be eligible for listing in the National Register of Historic Places are determined to be of architectural and/or historic significance. The Agency shall use established criteria for determining additional architectural and/or historical resources and shall maintain a

publicly available list of all buildings within the Project Area which it determines to be architecturally and/or historically significant.

To the extent practical, in the implementation of this Plan, including Sections 505.3 (Housing Incentive Units) and 506.2.3 (Regional Center Commercial Density), the Agency is authorized to provide for the retention, reuse and restoration of buildings and resources determined by the Agency to be architecturally or historically significant. The Agency shall deny requests for housing incentive units, development in the Regional Center Commercial designation above an F.A.R. of 4.5:1 and variations for sites on which a structure determined by the Agency to be significant was demolished after the adoption of this Plan or is proposed to be demolished; however, under exceptional circumstances where a significant structure has been substantially damaged and must be demolished due to circumstances beyond the control of the owner, the Agency may grant requests for housing incentive units, development within the Regional Center Commercial designation above an F.A.R. of 4.5:1 and variations. Nothing in Section 511 shall deny, modify or affect in any way housing density bonuses granted by the city pursuant to applicable state law.

In order to provide incentives to preserve architecturally and/or historically significant structures, the unused density from architecturally and/or historically significant structures may be transferred to other development sites. The Agency shall promulgate procedures for such transfer proposals consistent with the procedures and requirements as established in Section 506.2.3, Regional Center Commercial Density, the procedures and requirements of Section 505.3, Housing Incentive Units, for housing developments and the procedures of Section 521, Variations.

The Agency shall obtain adequate assurances that the buildings from which the density transfer is taken are preserved and that the development on the site to which the density is transferred will occur in conformity to the Redevelopment Plan, the objectives of special districts as established by the Plan and if applicable, any adopted Design for Development.

No grading, foundation, demolition, building or any other kind of permit shall be issued by the City for any property within the Redevelopment Project Area which involves or is determined by the Agency to adversely affect any building or resource determined by the Agency to be architecturally or historically significant, unless and until the following procedures occurs:

Upon notice to the City of such determination by the Agency, the issuance of any such permit shall be delayed for a reasonable period of time requested by the Agency, not to exceed one hundred and eighty (180) days, to permit negotiations to occur and opportunities to be explored by all parties concerned to seek to avoid or mitigate any adverse impact on any such architecturally or historically significant building or resource.

If the Agency determines that arrangements for the preservation of the building or resource cannot be accomplished within the original 180 day period and further determines that such arrangements are likely to be satisfactorily completed within an additional period not to exceed one hundred and eighty (180) days, then the Agency may extend the initial 180 day delay period, up to a maximum extension of an additional 180 days.

No application for any grading, foundation, demolition, building or any other kind of permit filed with the City shall be considered to conform with this Redevelopment Plan unless and until the requirements of this Section are satisfied.

The Agency shall coordinate the implementation of this section with the efforts of the Cultural Heritage Commission of the City.

The Agency shall develop historic preservation incentives in coordination with the City. Such incentives may include technical assistance and funding programs.

512. Cultural and Artistic Development

The primary impetus for Hollywood's residential, commercial and industrial growth in the early part of this century was provided by the presence of the motion picture industry. Hollywood's history is inextricably connected with its role as the capital of cinematic and broadcasting arts. Likewise, the continued and renewed vitality these arts forms (and their allied disciplines) generate will directly impact future growth.

Therefore, it shall be the policy of this Redevelopment Plan to incorporate cultural expression as a redevelopment tool through the support and development of publicly accessible cultural and artistic facilities and/or programs within the Project Area. At least one percent (1%) of the private development costs, excluding land and off-site improvements, for new industrial, commercial and residential development, excluding low and moderate income housing development, which the Agency has facilitated, and is subject to a participation or development agreement shall be allocated by the participant or developer to finance the provision of cultural and artistic facilities, features, and programs within the Project Area. Such developer or participants

will be required to submit for Agency approval proposed projects utilizing the funds allocated pursuant to this section. The Agency may adopt guidelines for the use and allocation of the funds generated by private development.

513. Limitation on the Number of Buildings

The number of buildings in the Project Area shall not exceed approximately 5,500.

514. Limitation on the Number of Dwelling Units

At such time as the Project Area is fully redeveloped, approximately 25,000 dwelling units will be permitted within the Project Area.

515. Limitation on Type, Size and Height of Buildings

Except as may be set forth in other Sections of this Plan or as described in Designs for Development adopted pursuant to this Plan, the type, size, and heights of buildings shall be as limited by the applicable Federal, State, and local statutes, ordinances and regulations.

516. Signs and Billboards

All signs must conform to City sign and billboard standards as they now exist or are hereafter legislated. It is recognized that the coordination of signs and billboards within the project area affect its appearance and image. Therefore, it is the intent of this Plan that the Agency may, after public hearing, adopt additional sign and billboard standards for a portion of or the entire Project Area which may be more restrictive than City standards in order to further the goals of this Plan or the objectives of a special district as established by this Plan.

517. Utilities

The Agency may require that all utilities be placed underground whenever physically and economically feasible as determined by the Agency.

518. Circulation, Parking and Loading Facilities

518.1 Circulation

The Agency in cooperation with City Departments, and within five (5) years following the adoption of the First Amendment to this Plan, shall prepare for City Council consideration an ordinance establishing a transportation program. The ordinance shall include but not be limited to the following:

1. A transportation improvement and management plan creating an integrated program of transportation mitigation measures such as traffic flow management, demand

management programs, street widenings, public transit and private transit, including their associated operating costs.

2. A commitment of public and private funding sources to implement the transportation improvement and management plan. This shall recognize that the transportation system in Hollywood services regional and local needs.

3. Procedures to require mitigation of the transportation impacts of new developments within the Hollywood Redevelopment area which are expected to have a significant transportation impact.

4. A program including a comprehensive study to establish trip generation rates which reflect the unique travel conditions in Hollywood.

5. A program including a comprehensive study to establish parking requirements for new development of the various kinds of land use within the Hollywood Redevelopment Project Area.

In order to meet the circulation goal of the Redevelopment Plan the Agency may adopt Designs for Development which require that new developments implement circulation mitigation measures commensurate with the impact the new development will have on the circulation system. The Agency may also adopt Designs for Development which provide for a more efficient use of the existing circulation system through the use of Travel Demand Management Programs such as van pooling, ridesharing and bus subsidy programs.

Five circulation corridors within the Project Area have been identified which need improvement. These corridors are:

1) North-south travel between and including La Brea and Highland Avenues.

2) East-west travel within the Franklin Avenue corridor in the northern portion of the Project area.

3) East-west travel on Sunset Boulevard, Fountain Avenue and Santa Monica Boulevards.

4) North-south travel between Cahuenga Boulevard and Gower Street.

5) North-south travel on Western Avenue.

The Agency shall work with the City of Los Angeles to improve traffic flow in these corridors. The Agency shall cooperate with the City in the identification and

implementation of transportation related development requirements. In all developments expected to have significant circulation impacts, the Agency shall cause these traffic related impacts to be analyzed in the traffic study. The Agency shall impose appropriate requirements as a condition of approval of each such development based upon the traffic mitigation measures identified in the traffic study.

518.2 Parking and Loading

It is recognized that many parts of the Project Area lack adequate parking and that solutions to parking problems are essential to the redevelopment of Hollywood. Therefore, it is the intent of this Plan to encourage creative solutions to parking such as; the shared use of parking areas, flexible parking programs, public parking structures and standards to ensure that parking is available for the project area.

Parking spaces, parking facilities and loading areas shall be designed to promote public safety and to prevent an unsightly or barren appearance. Lighting shall be provided to promote public safety. Lighting for parking spaces shall be shielded from adjacent residential properties and adjoining residential streets.

In order to address the critical shortage of parking the Plan provides the Agency the following authority to facilitate the provision of replacement parking:

1. Acquisition and development of parking in conjunction with the City.
2. Acquisition and development of public parking.
3. Requirements as part of a development or participation agreement to provide public parking.
4. The granting of additional density to developers in exchange for the provision of public parking.

An urban design plan for Hollywood Boulevard will be prepared pursuant to Section 506.2.1 of this Plan. This Plan will include a strategy to address the long-term parking needs of Hollywood Boulevard. Pursuant to Section 506.2.3 of this Plan the Agency shall monitor the off-street parking supply within the Regional Center Commercial Designation.

As part of the Agency's negotiations with developers within the Regional Center Commercial designation it will seek to incorporate as a part of the development replacement parking.

Whenever parking spaces which are in active use within the Regional Center Commercial Designation are removed from the market through Agency action as a part of the Project, the Agency shall develop or construct, or cause to be developed or constructed, an equal number of replacement parking spaces within the Project and within reasonable proximity to users subject to the findings and provisions of the Ordinance prepared pursuant to Section 518.1 of this Plan, as it may be adopted by the City Council. The Agency shall use its best effort to expeditiously provide such replacement parking, and in any event will do so within four years of its' removal.

519. Setbacks

Parking for new developments shall not be permitted in the required residential front yards.

Setback areas not used for access, or, when permitted parking, shall be landscaped and maintained by the owner unless otherwise specified in a Participation or Development Agreement. The Agency may adopt Design(s) for Development which establish setback and landscape requirements for new developments within the Project Area.

520. Incompatible Uses

No new use or structure which be reason of appearance, traffic, smoke, noise, odor, or similar factors that would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

521. Variations

Variation may be authorized in any of the land use designations established by this Plan except the Regional Center Commercial.

Under exceptional circumstances, the Agency is authorized to permit a variation form the limits, restrictions and controls established by this Plan including variations in permitted density or use. In order to permit such variation, the Agency must determine that:

- 1) The application of certain provisions of the Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.
- 2) There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls.

- 3) Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.
- 4) Permitting a variation will not be contrary to the objectives of this Plan.
- 5) Permitting a variation will be in conformance with the objectives of the Community Plan.

In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purpose of this Plan.

Any variation to the densities permitted in this Plan, in excess of 15% of the F.A.R. permitted by this Plan or for a building in excess of 250,000 square feet, whichever is less, shall be approved by the Planning Commission, subject to appeal to the City Council.

VI. 600. METHODS OF FINANCING THE PROJECT

601. General Description of the Proposed Financing Method

The Agency is authorized to finance this Project with financial assistance from the City, State of California, Federal Government, tax increment funds, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, or any other available source, public or private.

The Agency is also authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency.

The City or any other public agency may expend money to assist the Agency in carrying out this Project. As available, gas tax funds from the State and County may be used for street improvements and public transit facilities. All or a portion of the parking may be installed through a parking authority or other public or private entities.

Tax increment financing, as authorized by Section 602 of this Plan, is intended as a source of financing in combination with other sources of financing that may be available for specific project activities.

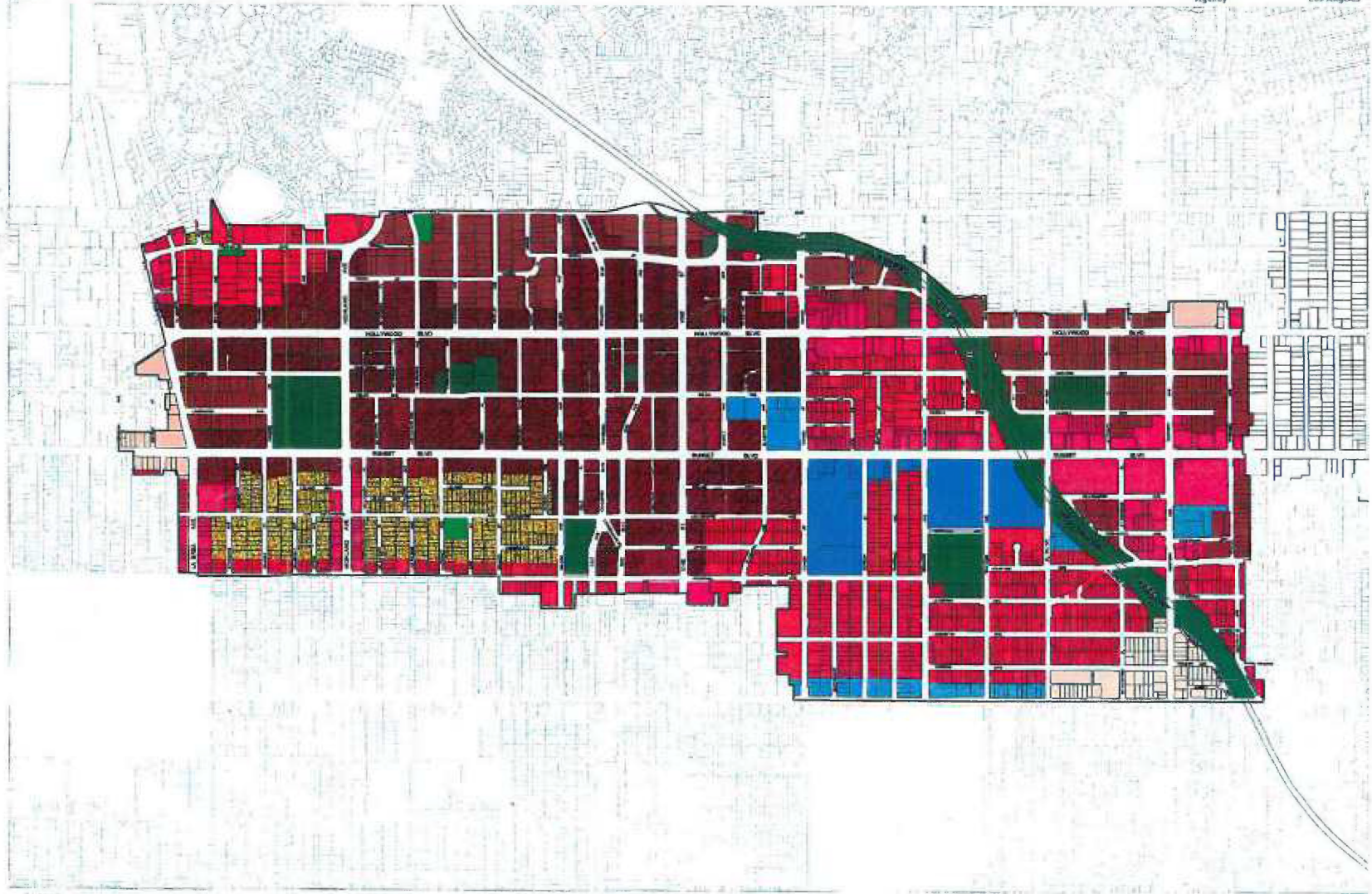
602. Tax Increment Funds

All taxes levied upon taxable property within the Project Area each year, by or for the benefit of the State of California, the County of Los Angeles, the City of Los Angeles, any

Hollywood

General Plan Land Use

CRA/LA
 Community
 Redevelopment
 Agency
 City
 of
 Los Angeles




Legend

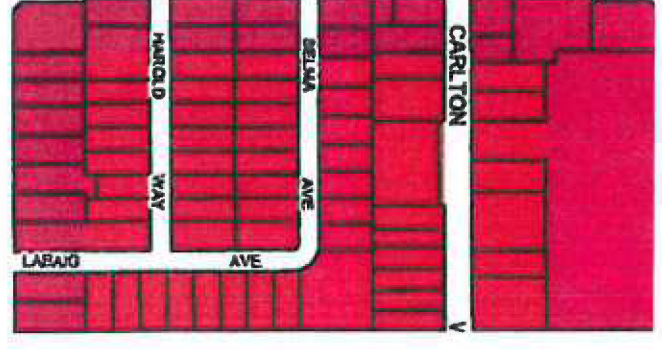
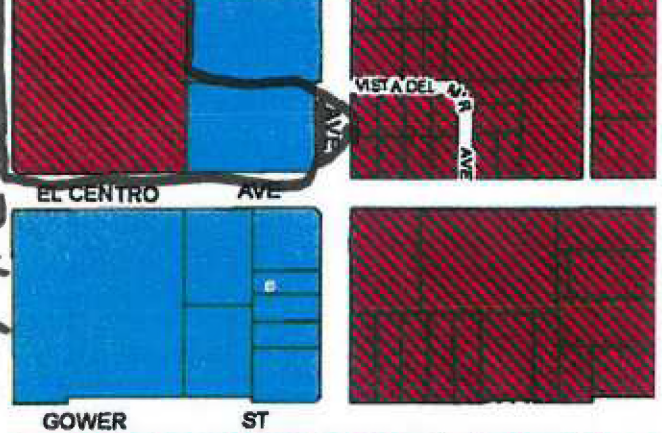
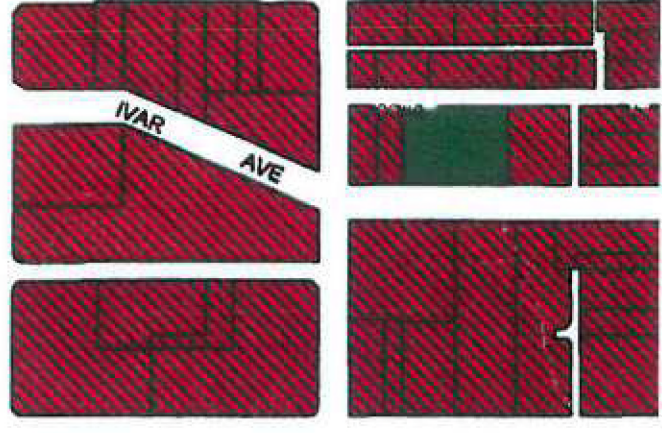
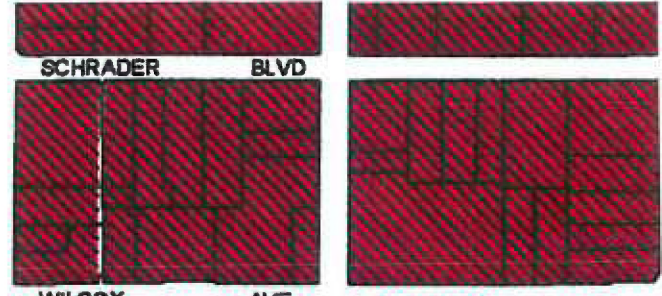
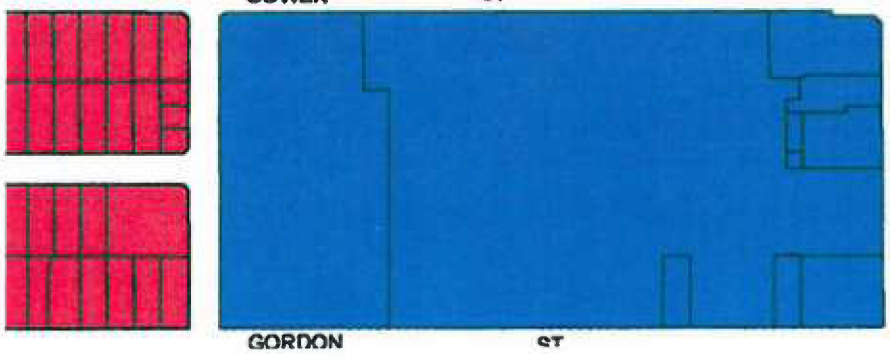
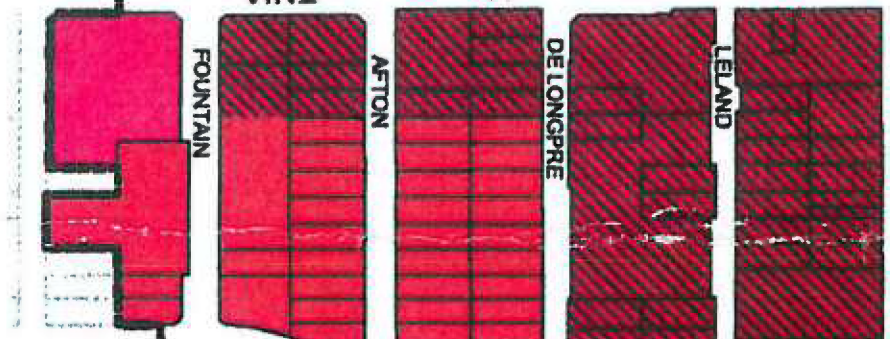
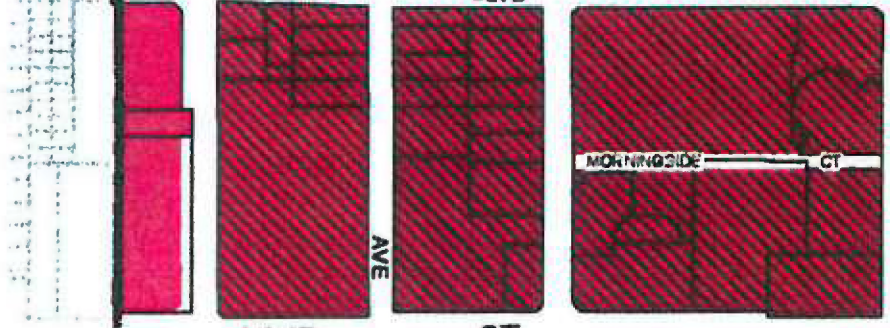
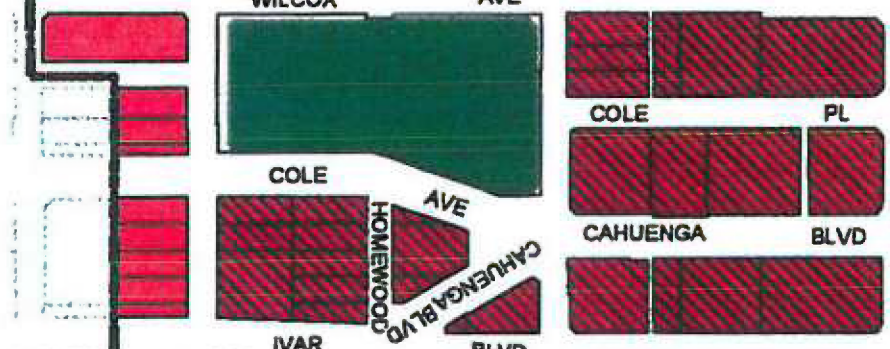
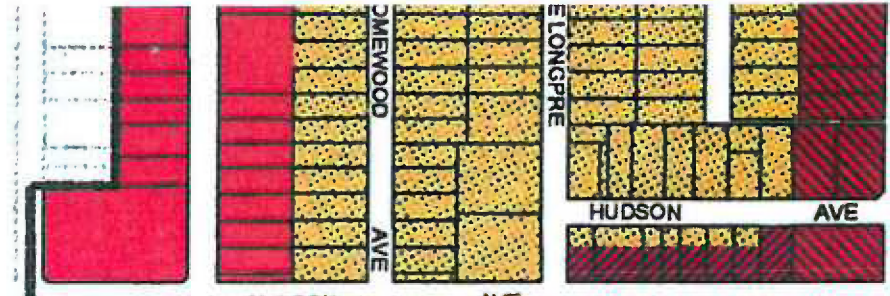
- RESIDENTIAL**
- Minimum
 - Very Low I
 - Low I
 - Low II
 - Low Medium / Low Medium I
 - Low Medium II

- COMMERCIAL**
- Medium
 - High Medium
 - High
 - Neighborhood
 - Limited
 - General
 - Regional

- INDUSTRIAL**
- Commercial Manufacturing
 - Limited
- OPEN SPACE / PUBLIC FACILITIES**
- Open Space
 - Public Facilities

1:50,000
 0 100 200 300 400 Feet
 1 inch = 500 Feet
 PREPARED BY CRA GIS TEAM
 (in Planning Phase)
 Jan Wernberg, GIS Analyst
 Erin Landon, GIS Analyst / GIS Consulting
 2008



SEC. 12.16. "C4" COMMERCIAL ZONE.

The following regulations shall apply in the "C4" Commercial Zone:

A. Use – No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged, or maintained except for the following uses, and when a "Supplemental Use District" is created by the provisions of Article 3 of this Chapter, for such uses as may be permitted therein:

1. **(None).**

2. **(Amended by Ord. No. 158,741, Eff. 3/29/84.)** Any use permitted in the C2 Zone, provided that all regulations and limitations of said C2 Commercial Zone are complied with, except:

(a) **(Amended by Ord. No. 177,103, Eff. 12/18/05.)** The following amusement enterprises:

(1) boxing arena;

(2) games of skill and science;

(3) merry-go-round, ferris wheel or carousel;

(4) penny arcade;

(5) shooting gallery;

(6) skating rink;

(7) Strip tease show. This use shall include an adult cabaret, as defined in Section 12.70 B. of this Code;

(8) billiard or pool hall;

(9) bowling alley;

(10) indoor swap meets, unless authorized pursuant to the provisions of Section 12.24 W.42.; and

(11) other similar uses, but not including the conducting of any game of bingo authorized pursuant to the provisions of Article 4.5 of Chapter IV of this Code.

(b) **(Repealed by Ord. No. 178,382, Eff. 3/24/07.)**

(c) Baseball or football stadium.

(d) Carpenter shop.

(e) Circus or amusement enterprises of a similar type, transient in character.

(f) Feed and fuel store.

(g) Hospital or sanitarium.

(h) Ice storage house.

(i) **(Deleted by Ord. No. 171,756, Eff. 11/21/97.)**

(j) Pawnshop.

(k) **(Deleted by Ord. No. 171,756, Eff. 11/21/97.)**

(l) Plumbing or sheet metal shop.

(m) Pony riding ring.

- (n) Public services, including electric distributing substation
- (o) Second hand store.
- (p) **12/18/05.)** Gymnasiums, health clubs and other similar uses. **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**
- (q) Public auctions, except those ordered by a Court of competent jurisdiction.

This ordinance is constitutional.
People v. Feigenbaum, CR A 2704; 2791.
- (r) Other uses similar to those hereby excepted, as determined by the Administrator.
- (s) **(None)**
- (t) **(Repealed by Ord. No. 178,382, Eff. 3/24/07.)**
- (u) **(Repealed by Ord. No. 178,382, Eff. 3/24/07.)**

B. Restriction. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on those maps as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on those maps as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

C. Area. (Amended by Ord. No. 148,783, Eff. 10/13/76.) – No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards, lot areas and loading spaces are provided and maintained in connection with such building, structure or enlargement.

1. **Front Yard.** Not required.
2. **Side and Rear Yards.** Not required for buildings erected and used exclusively for commercial purposes.

For all portions of buildings erected and used for residential purposes, side and rear yards conforming to the requirements of the R4 Zone (Section 12.11-C,2 and 3) shall be provided and maintained at the floor level of the first story used for residential purposes.

3. **Lot Area.** The lot area requirements of the R4 Zone (Section 12.11-C,4) shall apply to all portions of buildings erected and used for residential purposes. **(Amended by Ord. No. 148,783, Eff. 10/13/76.)**
4. **Loading Space** – As required by Section 12.21-C,6. Exceptions to area regulations are provided for in Section 12.22-C.

SEC. 12.11. "R4" MULTIPLE DWELLING ZONE.

The following regulations shall apply in the "R4" Multiple Dwelling Zone:

A. Use – No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged, or maintained, except for the following uses, and, when a "Supplemental Use District" is created by the provisions of Article 3 of this chapter, for such uses as may be permitted therein:

1. Any use permitted in the "R3" Multiple Dwelling Zone.
 2. Churches (except rescue mission or temporary revival) or philanthropic institutions, with yards as required in Sec. 12.21 C.
 3. Child care facilities or nursery schools. **(Amended by Ord. No. 145,474, Eff. 3/2/74.)**
 4. **(Amended by Ord. No. 159,714, Eff. 4/8/85.)** Hotels, motels and apartment hotels under any of the following conditions subject to the requirements indicated:
 - (a) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** when expressly provided for in an adopted specific plan, or
 - (b) when located on a lot fronting on a major or secondary highway, provided such lot does not abut a single-family residential zone; provided, further that 25 percent or more of the area of such lot is also classified in a commercial zone; or
 - (c) the project consists of not more than one addition to an existing hotel, motel or apartment hotel on a single site, the total of which shall not exceed one-third of the existing number of guest rooms or suites of rooms.
 5. Fraternity or sorority houses and dormitories.
 6. Schools, elementary and high, or educational institutions, with yards as required in Sec. 12.21 C.3.
 7. Museums or libraries (non-profit) with yards as required in Sec. 12.21 C.3.
 8. Accessory uses and home occupations, subject to the conditions specified in Section 12.05 A.16. of this Code. **(Amended by Ord. No. 171,427, Eff. 1/4/97, Oper. 3/5/97.)**
 9. Retirement hotels, as defined in Section 12.03. **(Added by Ord. No. 159,714, Eff. 4/8/85.)**
 10. Accessory buildings, including private garages, accessory living quarters, guest homes, recreation rooms, or private stables, provided that:
 - (a) No stable is located or maintained on a lot having an area of less than 20,000 square feet and its capacity does not exceed one equine for each 5,000 square feet of lot area. **(Amended by Ord. No. 157,144, Eff. 11/22/82.)**
 - (b) Accessory living quarters, a guest house, recreation room or a private garage or any combination of said uses may be included in one building, not exceeding two stories in height;
 - (c) An accessory living quarters or guest house shall be considered as a dwelling unit in determining the minimum lot area necessary for the proposed development.
- For the location of accessory buildings, refer to Sec. 12.21 C and Sec. 12.22 C. **(Amended by Ord. No. 107,884, Eff. 9/23/56.)**
11. **(Deleted by Ord. No. 171,427, Eff. 1/4/97, Oper. 3/5/97.)**
 12. Name plates and signs, and required parking spaces as provided for in Section 12.21 A. of this Code. **(Amended by Ord. No. 171,427, Eff. 1/4/97, Oper. 3/5/97.)**

It is not an unreasonable exercise of the police power to prohibit the maintenance of signs respecting a person's business in front of a dwelling house in an R-4 district.

Kort v. City of Los Angeles, 52 Cal. App. 2d 804.

It is within the police power to regulate the size of signs and the information contained thereon.

Serve Yourself Gas, etc. v. Brock, 39 Cal. 2d 813.

13. Shelter for the homeless (as defined in Section 12.03 of this Code) containing not more than 30 beds and designed to serve not more than 30 persons. Except within the Central City Community Plan area, any shelter for the homeless established pursuant to this subdivision shall be located at least 600 feet from another such shelter. The minimum number of off-street parking spaces provided in conjunction with such use shall comply with the requirements of Section 12.21 A.4.(w) of this Code. **(Added by Ord. No. 161,427, Eff. 8/2/86.)**

14. Eldercare Facility. **(Added by Ord. No. 178,063, Eff. 12/30/06.)**

B. Restriction. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A. of this section shall require prior approval in accordance with the provisions of Section 12.24.1 of this Code.

C. Area. No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. **Front Yard** – Same as required in “R3” Zone – Sec. 12.10 C.1.

2. **Side Yards** – For a main building not more than two stores in height, there shall be a side yard on each side of said building of not less than five feet, except that where the lot is less than 50 feet in width, the side yard may be reduced to 10% of the width of the lot, but in no event to less than three feet in width. For a building more than two stories in height, one foot shall be added to the width of such side yard for each additional story above the second story, but in no event shall a side yard of more than 16 feet in width be required. **(Amended by Ord. No. 110,225, Eff. 11/23/57.)**

3. **Rear Yard** – There shall be a rear yard of not less than 15 feet in depth. For a building more than three stories in height, one foot shall be added to the depth of such rear yard for each additional story above the third story, but such rear yard need not exceed 20 feet. **(Amended by Ord. No. 121,925, Eff. 6/4/62.)**

4. **Lot Area** – **(Amended by Ord. No. 174,994, Eff. 1/15/03.)** Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet. The minimum lot area per dwelling unit shall be 400 square feet.

However, where a lot has a width of less than 50 feet or an area of less than 5,000 square feet and was held under separate ownership or was of record as of September 23, 1956, and the lot was created in conformance with the Subdivision Map Act, the lot may be occupied by any use permitted in this section, except for those uses explicitly requiring more than 5,000 square feet of lot area. In no case, however, shall more than two dwelling units be permitted where a lot has an area of less than 4,000 square feet.

The minimum lot area per guest room shall be 200 square feet.

Exceptions to area regulations are provided for in Section 12.22 C.

5. Loading space as required by Section 12.21 C.6.

Exceptions to Area regulations are provided for in Sec. 12.22 C.

SEC. 12.22. EXCEPTIONS.

A. Use.

18. **Developments Combining Residential and Commercial Uses.** Except where the provisions of Section 12.24.1 of this Code apply, notwithstanding any other provision of this chapter to the contrary, the following uses shall be permitted in the following zones subject to the following limitations: **(Amended by Ord. No. 163,679, Eff. 7/18/88.)**

(a) Any use permitted in the R5 Zone on any lot in the CR, C1, C1.5, C2, C4 or C5 Zones provided that such lot is located within the Central City Community Plan Area or within an area designated on an adopted community plan as "Regional Center" or "Regional Commercial". Any combination of R5 uses and the uses permitted in the underlying commercial zone shall also be permitted on such lot. **(Amended by Ord. No. 182,452, Eff. 4/4/13.)**

(b) Any use permitted in the CR, C1, C1.5, C2, C4 or C5 Zones on any lot in the R5 Zone provided that the lot is located within the Central City Community Plan Area. Any combination of these commercial and residential uses shall also be permitted on the lot. Commercial uses or any combination of commercial and residential uses may be permitted on any lot in the R5 Zone by conditional use pursuant to Section 12.24 W.15. outside the Central City Community Plan Area. **(Amended by Ord. No. 182,452, Eff. 4/4/13.)**

(c) **Yards.** Except as provided herein, the yard requirements of the zone in which the lot is located shall apply.

(1) The yard requirements of the C2 Zone shall apply to buildings located on lots in the R5 Zone in a redevelopment project area approved by the City Council if such buildings are used exclusively for commercial uses.

(2) The following yard requirements shall apply to buildings located on lots in the R5 Zone which are used for any combination of commercial and residential uses:

(i) The yard requirements of the C2 Zone shall apply to the portions of such buildings used exclusively for commercial uses.

(ii) No yard requirements shall apply to the portions of such buildings which are used exclusively for residential uses and which abut a street, private street or alley, if the first floor of such buildings at ground level is used for commercial uses or access to the residential portions of such buildings.

(3) 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.

(4) No yards shall be required along air space lot boundaries within the interior of buildings.

(d) The residential and commercial density, maximum floor area or height otherwise permitted for any lot shall not be increased by reason of the existence of one or more air space lots.

(e) **Pedestrian Bridges.** Residential uses in a building combining residential and commercial uses shall be limited to the floors above the level of a connecting pedway or pedestrian bridge except that the Director of Planning may modify or waive this requirement if the Director finds unusual topography or other special circumstances justify such modification or waiver.

(f) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** In the event of a conflict between the terms of this subdivision and the terms of a specific plan enacted prior to December 31, 1981, the terms of the specific plan shall prevail. The terms of this subdivision shall not apply within the boundaries of the Century City North Specific Plan.

City of Los Angeles

Zoning Code

Manual and Commentary

Fourth Edition

The City of Los Angeles Department of Building and Safety (LADBS) is pleased to announce the publication of the newly updated fourth edition of the **Zoning Code Manual and Commentary**. This manual will assist in providing consistent and uniform interpretations of the Zoning Code.

The Zoning Code Manual and Commentary provides a cumulative summary of more than 230 written policies and interpretations made by the Department of Building and Safety, the Department of City Planning, and the Office of the City Attorney pertaining to the interpretation and administration of specific sections of the City of Los Angeles Planning and Zoning Code. Many of the original versions of these policies and interpretations were decades old, not easily located and consequently, not consistently applied. The obsolete policies and interpretations were not included in this manual.

Each topic has been presented in this manual in a Question and Answer format with illustrated examples and a simplified explanation of the underlying concept intended to facilitate the user's understanding of the code and provide an easy reference to the various interpretations. Ten new interpretations related to zoning issues contained in the previously released collection of LADBS Information Bulletins have been included in this manual and the corresponding updated Bulletins have been made a part of the appendices for reference purposes.

This manual is a commentary that should be used as a supplement to the Code and not as a substitute for it. A final decision regarding a particular zoning issue will be made only after due consideration has been given to all other applicable Zoning Code provisions.

As a part of our continuing effort to enhance customer service and assist the development industry, the Zoning Code Manual and Commentary has been made available on LADBS' Internet site at www.ladbs.org under the heading "Zoning."

We will continue to update this Zoning Code Manual and Commentary on the Department's website and will include new Zoning Code issues and commentaries to facilitate the efficient distribution of information to the public. Your comments and suggestions for improving this document are requested and welcome.

Section 12.22A18(a) Application of Lot Area (Density) Requirements for Developments Combining Residential and Commercial Uses

Q - Section 12.22A18(a) allows "... any combination of R5 uses and the uses permitted in the underlying commercial zone..." in the CR, C1, C1.5, C2, C4, and C5 Zones within the area specified in this section. Does the phrase "R5 uses" as used therein refer to the lot area requirements (density) of the R5 zone or the underlying C zone?

A - Generally, the lot area requirements for the C zones, as mentioned in the section, refer to the lot area requirements of R4 or R3 Zones. However, this section for developments combining residential and commercial uses specifically allows R5 uses. One question related to density that arises is whether to apply R5 lot area requirements or R3 / R4 lot area requirements as referenced in the lot area requirements of C zones.

In the enforcement of this section, the Zoning Administrator has determined that the lot area requirements of the R5 zone are to be applied to projects subject to this section. Although it is not explicitly stated in the section, the last sentence of the section implies applying area requirements of R5 zone, not R3 or R4 zone. This interpretation has been confirmed by the Office of Zoning Administrator who reviewed the original staff report for the ordinance.

(ZA / ZE joint memo 5-18-2000)

THE SILVERSTEIN LAW FIRM

A Professional Corporation

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PASADENA, CALIFORNIA 91101-1504

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WWW.ROBERTSILVERSTEINLAW.COM

ORIGINAL

CF 16-0106 2/16-106-51

March 22, 2016

VIA HAND DELIVERY

Los Angeles City Council
200 N. Spring Street, Rm. 325
Los Angeles, CA 90012

CITY CLERK'S OFFICE
2016 MAR 22 AM 8:43
CITY CLERK
BY _____

Re: Further Objections Related to Floor Area on Balconies Approved For Palladium Residences Project located at 6201-6229 West Sunset Boulevard, 1510-1520 North Argyle Avenue, 6210 West Selma Avenue, 1531-1541 North El Centro Avenue
Tract Map No. 72213
CPC Case: CPC-2014-3808-GPA-ZC-HD-CU-CUB-ZAI-SPR
Environmental Review: ENV-2013-1938-EIR

Honorable Councilmembers:

I. INTRODUCTION.

This firm and the undersigned represent appellant AIDS Healthcare Foundation. Please keep this office on the list of interested persons to receive timely notice of all hearings and determinations related to the Palladium Residence Project ("Project").

II. THERE IS NO SUBSTANTIAL EVIDENCE IN THE RECORD SHOWING THAT THE PROJECT REMAINS WITHIN THE MAXIMUM PERMISSIBLE FLOOR AREA RATIO AFTER COUNTING ALL CANTILEVERED AND ENCLOSED BALCONIES AS REQUIRED BY LAMC SECTION 12.03 DEFINITIONS OF "BUILDING" AND "FLOOR AREA".

In its March 15, 2016 letter to the Planning and Land Use Management ("PLUM") Committee, AHF raised a number of global problems with the concept of the Project before you and problems with the environmental review. Our review of the Project reveals another serious flaw: it appears that the developer has calculated the floor area of the building without taking into account the portions of enclosed balconies that under zoning administrator interpretations of

the zoning code are countable within the building's floor area, and must be excluded from the building's private open space calculation.

In the Final EIR, the City states that the balconies provided by the Project are considered, and presumably counted, as "private open space". Based upon this assertion, it appears that balconies have not been included in the calculation of FAR for the Project.

Also in the Final EIR response No. 10-23 to the comment letter of Hollywood Heritage, the City concedes that the developer's proposed buildings utilize almost every available square foot of permitted density. The City said:

"Given that the Project is proposing a total development of 927,354 square feet, which includes 63,354 square feet within the existing Palladium, after construction of the Project, only 534 square feet of permitted density would remain on the Project Site." Final EIR, p. 3.B-57.

With only 534 square feet margin of error, any error in the floor area calculation would result in the City approving a project that is unlawful.

A review of the Preliminary Program Summary for the Project at page A-001 of the November 16, 2015 entitlement plans for the Project, reveals the floor area calculations for the two buildings. (**Exhibit 1.**) Floor area of the buildings is measured from "GSF" which a footnote defines as "measured from outside face of glass around enclosed area." Stated another way, GSF appears to be the curtain wall of the building. Further, "FAR" is defined as "GSF minus exit enclosures, elevator shafts, mechanical/building shafts and rooms."

Page A-209 of the Project plans show a "Proposed Balcony Line" that stands an unknown number of feet out from the glass wall of the building. Nowhere on the plans does the developer disclose how many feet from the building the balconies extend, or if this extension varies from floor to floor or among units on the same floor.

An unnumbered page from the Project plans entitled "Façade Grid Detail" visually depicts a sample construction detail of a balcony (again without typical dimensions). The diagram suggests that a metal grid will be mounted on the building in front of all of the balconies. Additionally, drawings of the buildings throughout the plans depict multiple balconies that have cantilevered floors above a balcony below, and additionally, most of the balconies appear to have other balconies cantilevered above balconies below whether the overhead clearance might be one, two, or more floors. Additionally, on the ends of buildings, the plans appear to call for use of clear glass which appear to run in front of and enclose one side of some balconies. Finally, the plans appear to encircle and enclose all balconies that have the grid in front of them.

All these project conditions raise a serious question how the developer and City Planning Department staff dealt with applicable ZA 2007-3430 (ZAI) and the November 11, 2002 Zoning Administrator's consideration of balcony projection issues. (**Exhibit 2.**) One thing is clear. There is a likelihood that numerous balconies on the buildings meet the definition of floor area of the building, but have not been calculated, analyzed, disclosed, or discussed in the Draft EIR. This issue certainly was one of contention between the developer and the City Planning staff in the Millennium Project as email discussions about those buildings concluded that cantilevered and enclosed balconies must be included in the floor area calculation. (**Exhibit 3.**)

Additionally, we note that the Project Program Summary includes no floor area for the rooftop facilities proposed for the Project. Page A-232 of the Plans depicts Outdoor Lounge Rooms and Entertainment Rooms, but there is no detail regarding how these rooms will be enclosed. To assure that none of these rooms are enclosed within the meaning of the word "Building" and "Floor Area", we were unable to locate in the project conditions any requirement that no floor space be allowed to be developed on the roof of the buildings.

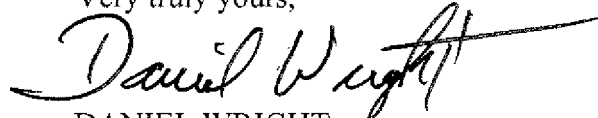
For the foregoing reasons, the record is devoid of evidence demonstrating that the Project as approved by the City complies with the FAR limit for the Project. If even one square foot of additional floor area beyond the 534 square foot buffer disclosed in the Final EIR is associated with any of the balconies or rooftop enclosed spaces, the Project will violate the FAR limits.

III. CONCLUSION.

For all of the foregoing reasons, the Project appears to violate the requested FAR limits. The approvals must be overturned on this separate ground until the Project can be shown in compliance.

Thank you for your courtesy and attention to this matter.

Very truly yours,



DANIEL WRIGHT

FOR

THE SILVERSTEIN LAW FIRM

Attachments
cc: Client



CONCEPTUAL PLANS & RENDERINGS FOR ILLUSTRATIVE PURPOSES

PALLADIUM RESIDENCES

NOV. 16, 2015

OWNER
CH PALLADIUM, LLC
ARCHITECT
AC MARTIN. PARTNERS, INC
&
**STANLEY SAITOWITZ / NATOMA
ARCHITECTS INC.**

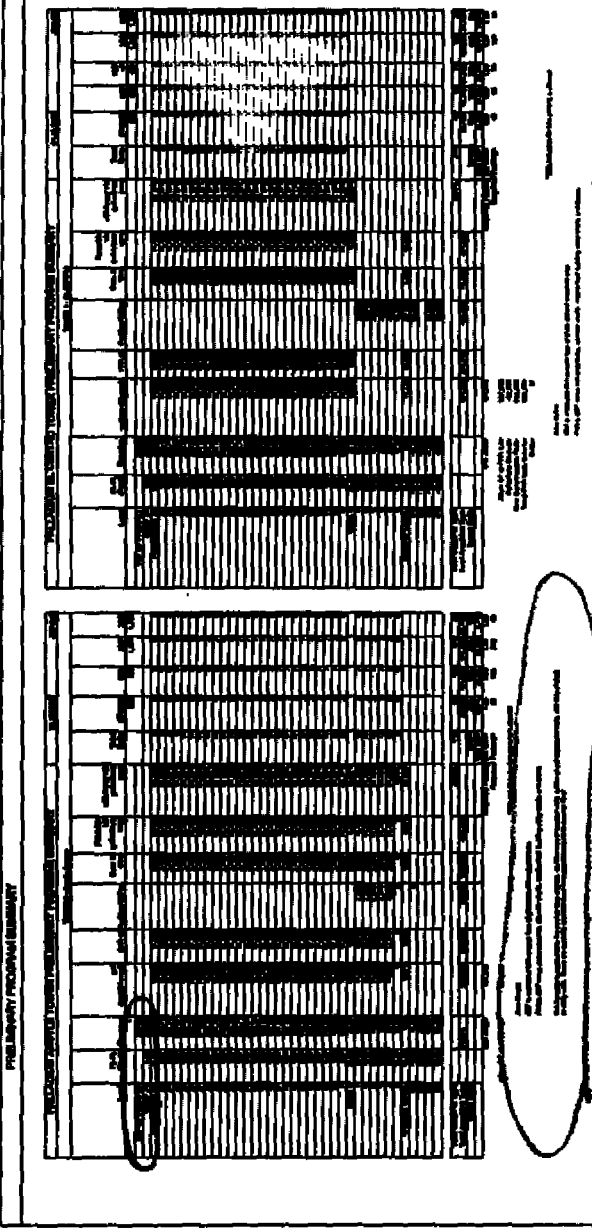
SHEET INDEX, PROJECT DATA & PARKING COUNT

PALLADIUM RESIDENCES
CRESCENT HEIGHTS

A-001

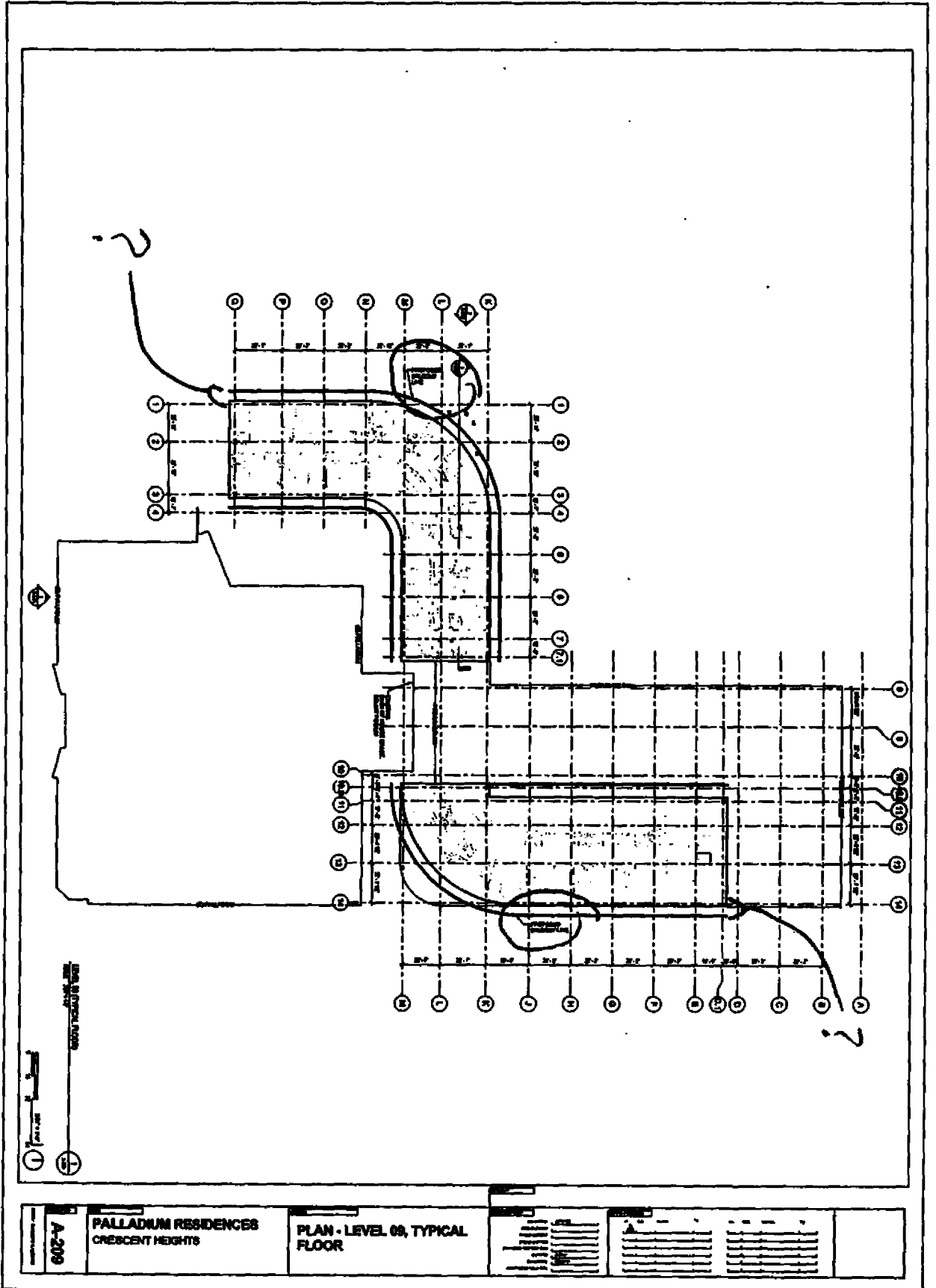
SHEET INDEX

NO.	DESCRIPTION	DATE
1	PRELIMINARY AREA BOUNDARY	10/20/04
2	PARKING COUNT	10/20/04
3	AREA TYPE	10/20/04
4	CONSTRUCTION NOTES	10/20/04
5	GENERAL NOTES	10/20/04
6	CONCRETE NOTES	10/20/04
7	MECHANICAL NOTES	10/20/04
8	ELECTRICAL NOTES	10/20/04
9	PLUMBING NOTES	10/20/04
10	FINISHING NOTES	10/20/04
11	LANDSCAPE NOTES	10/20/04
12	TRAILER NOTES	10/20/04
13	CONTRACT ADMINISTRATION	10/20/04
14	GENERAL CONTRACTOR	10/20/04
15	MECHANICAL CONTRACTOR	10/20/04
16	ELECTRICAL CONTRACTOR	10/20/04
17	PLUMBING CONTRACTOR	10/20/04
18	FINISHING CONTRACTOR	10/20/04
19	LANDSCAPE CONTRACTOR	10/20/04
20	TRAILER CONTRACTOR	10/20/04

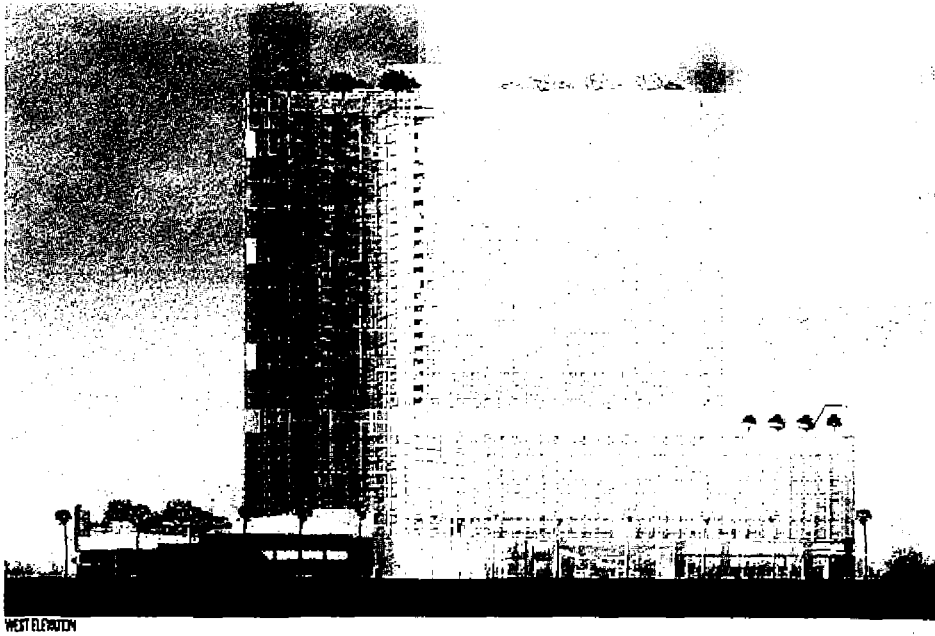


AREA TYPE	AREA TYPE	AREA TYPE	AREA TYPE	AREA TYPE
1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50
51	52	53	54	55
56	57	58	59	60
61	62	63	64	65
66	67	68	69	70
71	72	73	74	75
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96	97	98	99	100

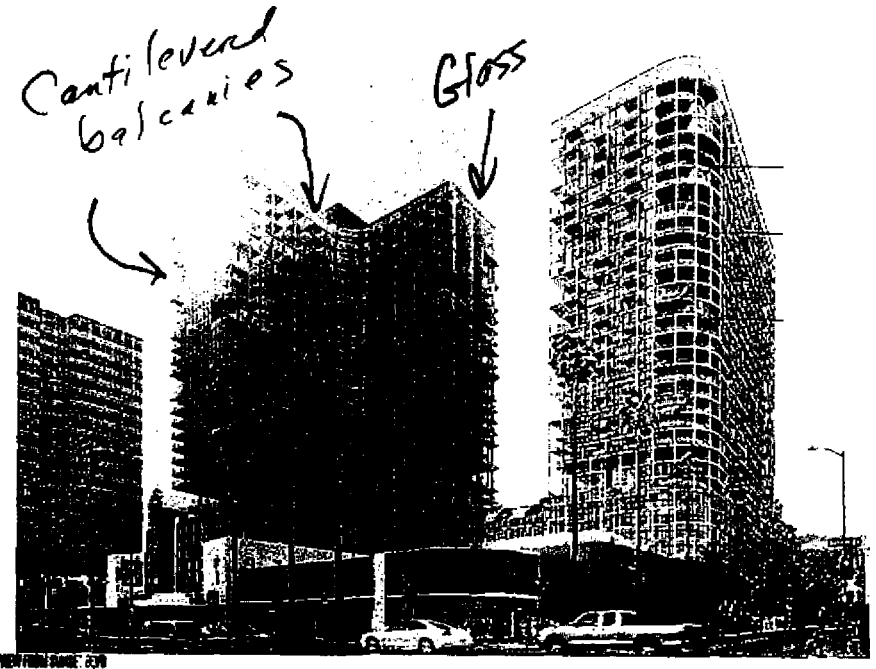
Blowup - Next Page



A-209 | **PALLADIUM RESIDENCES**
CRESCENT HEIGHTS | **PLAN - LEVEL 09, TYPICAL**
FLOOR



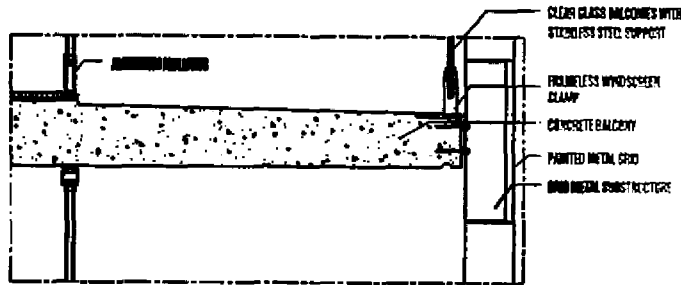
WEST ELEVATION



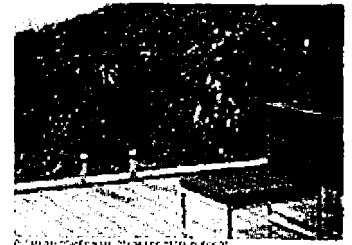
NORTH SIDE ELEVATION



- ALUMINUM BALCONIES
- CLAMP INSULATED LOW-E GLASS
- CLEAN GLASS BALCONIES WITH STAINLESS STEEL SUPPORT
- PAINTED METAL GRID
- CONCRETE BALCONY



- CLEAN GLASS BALCONIES WITH STAINLESS STEEL SUPPORT
- FRAMELESS WINDSCREEN CLAMP
- CONCRETE BALCONY
- PAINTED METAL GRID
- GRID BEAM JOINT DETAIL



CANTILEVERED BALCONY WITH STAINLESS STEEL SUPPORT

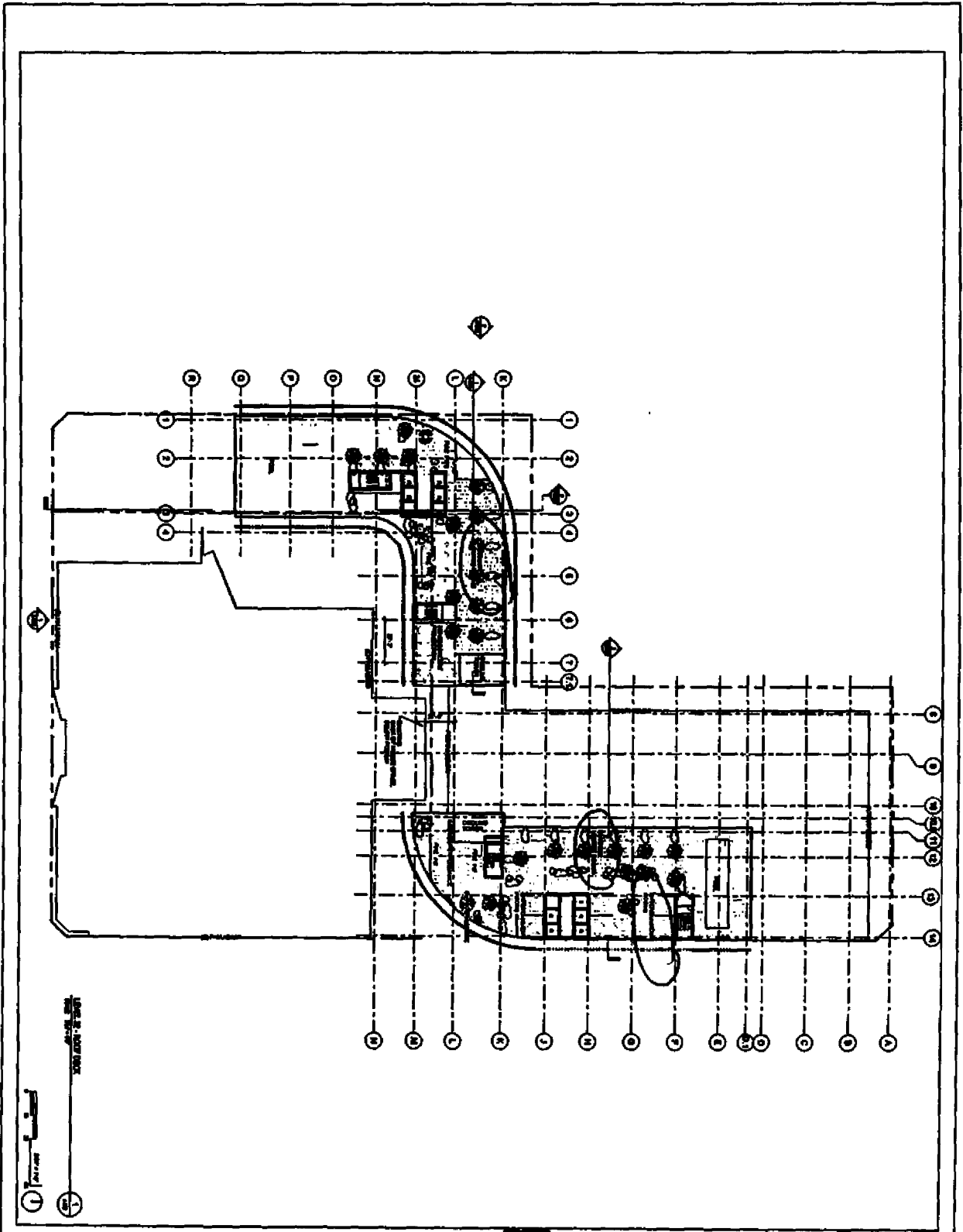


PAINTED METAL FACADE GRID

PALLADIUM RESIDENCES | FACADE GRID DETAIL

*Grid enclosing balconies
Cantilevered balconies throughout*





<p>A-232</p>	<p>PALLADIUM RESIDENCES CRESCENT HEIGHTS</p>	<p>PLAN - LEVEL 32, ROOF LEVEL</p>	<p>Legend</p> <ul style="list-style-type: none"> Room Corridor Stair Elevator Structural Roof Plant Other 	<p>Scale</p> <p>1" = 10'-0"</p>	<p>North Arrow</p>
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CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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R. NICOLAS BROWN
SUE CHANG
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MICHAEL S.Y. YOUNG

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
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September 21, 2007

Interested Parties

CASE NO. ZA 2007-3430(ZAI)
ZONING ADMINISTRATOR'S
INTERPRETATION

Department of Building and Safety

Sections 12.03, 12.21.1-A,5 and 12.21-G,2(b)(2) of the Los Angeles Municipal Code - Floor Area Ratio and Private Open Space (Balconies and Decks)

CITYWIDE

Regardless of its size or shape any balcony or deck or portion thereof, covered or uncovered, shall not also create floor area as defined in Section 12.03 of the Los Angeles Municipal Code, or be included in the computation of a building's floor area ratio pursuant to Section 12.21.1-A,5 of the Code, so long as it: (1) is not recessed but projects beyond the perimeter of the building; (2) remains unenclosed except for the guard rails required by the Building Code; and (3) qualifies as private open space pursuant to Section 12.21-G,2,(b)(2) of the Code.

Section 12.21-A, 2 of the Code provides in pertinent part as follows:

"2. Other Uses Determined by Administrator- The Administrator shall have the authority to determine other uses, in addition to those specifically listed in this Article, which may be permitted in each of the various zones, when in his judgment, such other uses are similar to and no more objectionable to the public welfare than those listed. The Zoning Administrator shall also have the authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation."

These provisions have also been interpreted to permit resolution of conflicts between disparate sections of the Code, and to provide clarity where ambiguity exists.

Background

On October 10, 2002, the Chief Zoning Administrator and Zoning Engineer issued a joint memorandum (attached) whose topic was a "consideration of projections on a building for the definition of 'height' and 'floor area.'" A key purpose of the memorandum was to clarify when the area under an architectural projection should be counted as floor area for the purpose of computing a building's floor area ratio. The calculation of a building's floor area

¹ Section 12.21-G,2(b)(2) of the Code allows private open space to be provided above the first habitable room level "in developments built at an R3, RAS3, R4, RAS4, and/or R5 density regardless of the underlying zone."



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ratio is guided, in part, by the definitions of "building" and "floor area" as set forth in Section 12.03 of the Code:

Building. Any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels or property of any kind.

Floor Area. Is that area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, space for the landing and storage of helicopters, and basement storage areas.

Section 12.26-A of the Code grants the Los Angeles Department of Building and Safety (LADBS) "the power to enforce the zoning ordinances of the City." In carrying out this responsibility LADBS has developed detailed procedures to ensure compliance with the Code's height district regulations, which restrict the total amount of floor area that can be constructed on any given lot. Specifically, as set forth in the October 10, 2002 joint memorandum referenced above, LADBS has interpreted the Code's definitions of "building" and "floor area" to mean that a deck attached to a building and supported by columns is a part of the building, with the outermost supporting columns defining the building's perimeter. If the perimeter defines an assumed building wall and the deck defines the roof, then the area beneath the deck is considered as "floor area".

A different approach is taken for a cantilever balcony.² Here the area beneath a cantilever balcony is not considered as floor area so long as the balcony projects no more than 5 feet beyond the portion of the building providing the support. In cases where the balcony projects more than 5 feet, up to 5 feet of the balcony is not considered part of the building. An assumed building wall is interposed between the portion of the balcony closest to the building and the remaining 5-foot extension. The area beneath the 5-foot extension is not considered as floor area, while the area beneath the projection between the assumed building wall and the actual building wall is. As a further measure against a building owner turning the space beneath a deck, balcony or other architectural projection into usable space an LADBS information bulletin³ on calculating floor area states that:

"The plan check supervisor shall have the discretion of requiring the recordation of a Covenant and Agreement Regarding Maintenance of Building and identifying areas under projections and specifying that they are not to be used for any occupancy."

Discussion

LADBS's historical procedures to enforce the Code's height district regulations have been justified as a precaution against the conversion of architectural projections into floor area. It should be noted, however, that these procedures are entirely prospective: they are designed to mitigate the effects of illegal actions that may or may not occur at some point in the future. Unfortunately, these procedures have also had the unintended consequence of creating a disincentive to comply with the Code's private open space provisions for multi-family projects of six or more dwelling units, which went into effect approximately ten years

² "Cantilever" means supported at a wall or beam/column line pursuant to the October 10, 2002 memorandum issued by the Chief Zoning Administrator and the Zoning Engineer.

³ Document No. P/BC 2002-021 took effect on May 17, 1979 and was revised on November 1, 2002.

ago.⁴ For example, the Code requires that private open space provided in developments built at a density of R3 or greater (regardless of the underlying zone) "have no horizontal dimension less than six feet when measured perpendicular from any point on each of the boundaries of the open space area."⁵ Since LADBS excludes no more than 5 feet of a deck or balcony from floor area, many developers are thus placed in a double bind and consequently, the City is receiving more and more requests for reduced open space.

As set forth in Section 12.21-G of the Code, the purpose of the City's open space provisions is to provide opportunities for outdoor living and recreation, to provide safer play areas for children, and to provide a more desirable living environment, all in furtherance of Goal 3C of the General Plan Framework:

"Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents."

A deck or balcony that is not recessed but projects beyond the perimeter of a building is exposed to the elements, and so therefore is not habitable space that intensifies a building's use in the same way that an extra bedroom, bathroom or other habitable room would. A balcony or deck is accessory to the main dwelling unit. In a multi-family residential project it takes the place of a front or back yard. The developer of a multi-family project complying in good faith with the Code's open space provisions should not be penalized for this compliance by having these types of balconies or decks counted against the project's floor area cap.

As noted, supra, over the course of the years, Section 12.21-A,2 of the Code has been drawn upon to provide some rational result from application of various sections of the Code to an individual set of circumstances. This Section has also been interpreted to include authority to resolve conflicts between disparate narrative passages, to transcend unnecessary bureaucratic hurdles, and to provide logical results from sometimes arcane and esoteric nuances obscured within the City's Zoning Regulations.

Determination

Accordingly, in recognition of modern building practices and to provide a more reasonable balance between LADBS's responsibility to enforce the Code's height district regulations and the Code's provisions concerning private open space in multi-family residential projects, I have determined that regardless of its size or shape any balcony or deck or portion thereof, covered or uncovered, shall not also create floor area as defined in Section 12.03 of the Code, or be included in the computation of a building's floor area ratio pursuant to Section 12.21.1-A,5 of the Code, so long as it:

- (1) is not recessed but projects beyond the perimeter of the building;
- (2) remains unenclosed except for the guard rails required by the Building Code; and
- (3) qualifies as private open space pursuant to Section 12.21-G,2(b)(2) of the Code.

⁴ Ord. No. 171,753 took effect on November 17, 1997.

⁵ Section 12.21-G,2(b)(2)(ii) of the Code.

To qualify as private open space the balcony or deck must contain a minimum of 50 square feet as set forth in sub-subparagraph (i) and also meet the requirements set forth in sub-subparagraphs (ii), (iii), and (iv) concerning horizontal dimensions, vertical clearances, and projections, respectively. While sub-subparagraph (i) further limits to 50 square feet per dwelling unit the amount of private open space that may count toward a project's total open space requirement, all qualifying private open space that a project provides shall benefit from this interpretation. For example, if a project provides 10,000 square feet of qualifying private open space but only 5,000 square feet may count toward the total open space requirement the entire 10,000 square feet shall still benefit from this interpretation.

For purposes of this interpretation the perimeter of a building shall follow the exterior walls (and not any supporting columns or posts), except as modified by the following rules:

- Rule #1. When a continuous straight line can be drawn across the unenclosed side of a recessed balcony or deck then the perimeter shall follow that line and not the exterior walls. The recessed portion shall be considered part of the building and thus assumed to create floor area.
- Rule #2. If the angle created by the two exterior walls that border a corner balcony or deck is at least 90 degrees then the perimeter shall follow the exterior walls. The projecting portion shall not be considered part of the building and thus assumed to not create floor area. If the angle is less than 90 degrees or the balcony or deck is bordered by a single curving wall then rule #1 above shall apply.

The attached diagrams are a part of this interpretation. In order for this interpretation to apply to a particular project a "Covenant and Agreement Regarding Maintenance of Building" must be approved by LADBS and recorded with the Los Angeles County Recorder. The Covenant and Agreement must state that the balcony or deck must remain unenclosed except for the guard rails required by the Building Code and that the area beneath shall not be used for any occupancy.

Wing Walls and Privacy Screens

Wing walls that exceed 42 inches in height that divide a single deck or balcony shared by two or more residential units shall be considered exterior walls for determining which portion of the deck or balcony is recessed and thus must be included in floor area. If no more than 42 inches in height then the wing walls shall be considered guard rails and not exterior walls. Privacy screens regardless of height shall not be considered exterior walls. A wing wall is a wall perpendicular to an exterior wall that provides structural support to a building. A privacy screen is a decorative feature fastened to a building but that does not provide structural support.

October 10, 2002 Memorandum

This interpretation shall only apply to multi-family residential developments of six or more units built at an R3 or above density regardless of the underlying zone. In all other instances the rules set forth in the attached memorandum issued by the Chief Zoning Administrator and the Zoning Engineer on October 10, 2002 shall apply. A project may not benefit from both this interpretation and the October 10, 2002 memorandum. Only one set of rules shall be applied to a project.

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after OCTOBER 9, 2007, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at www.lacity.org/pln.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.



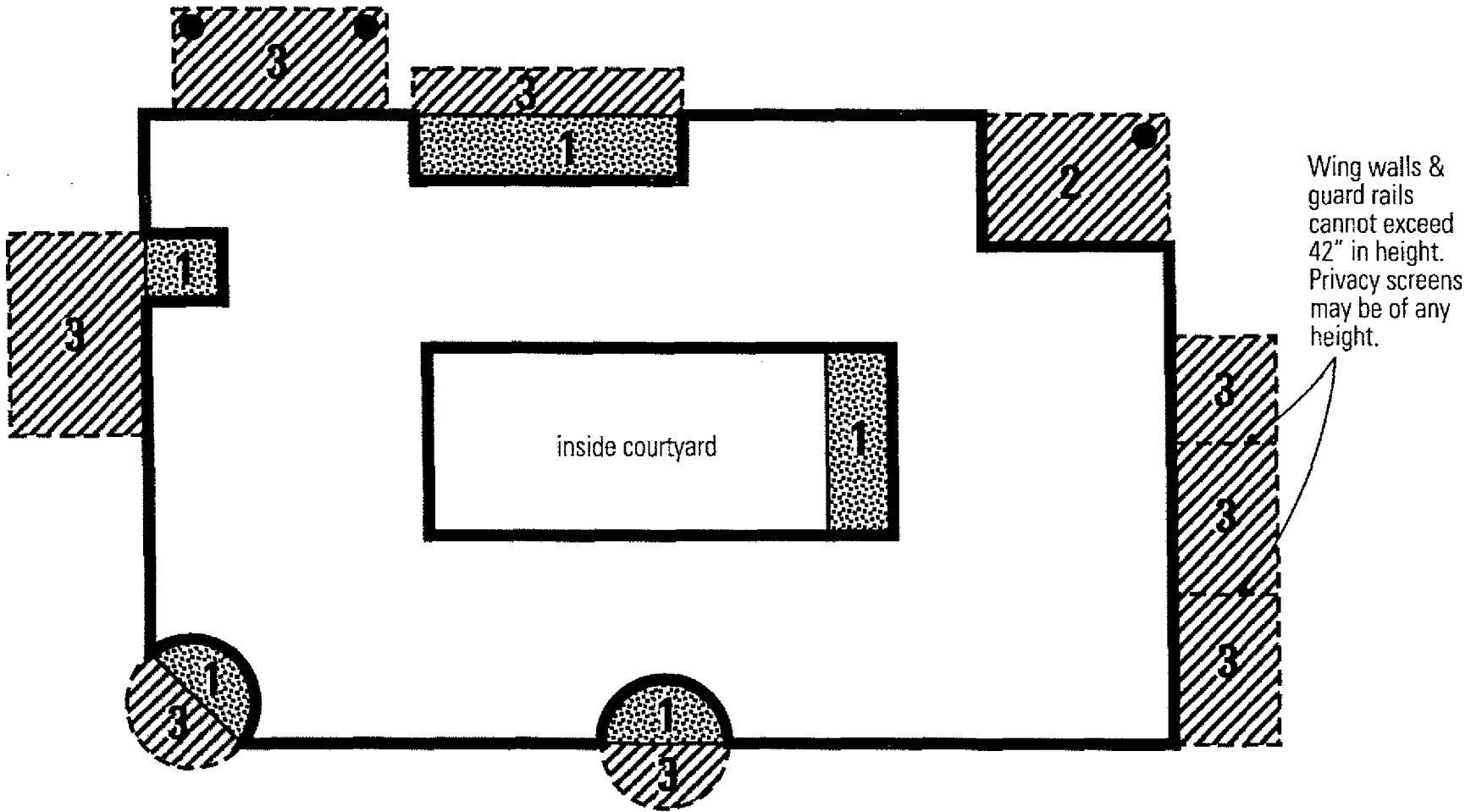
MICHAEL LOGRANDE
Chief Zoning Administrator
Telephone No. (213) 978-1318





ML:AB:imc

Attachments:

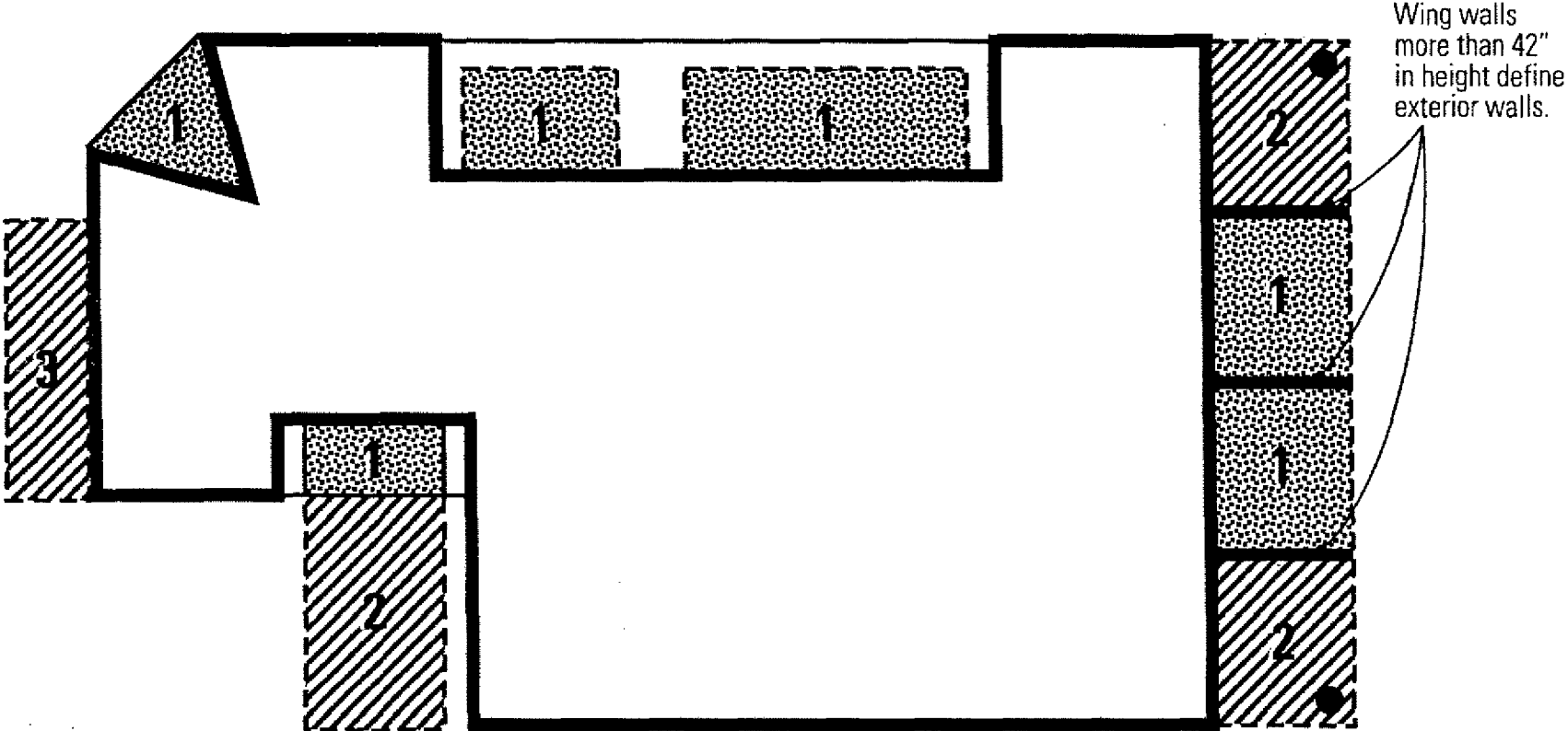
1. Diagram "A"
2. Diagram "B"
3. Memorandum issued by the Chief Zoning Administrator and the Zoning Engineer dated October 10, 2002

Case No. ZA 2007-3430 (ZAI) - Floor Area Ratio and Private Open Space (Balconies and Decks)
Diagram "A"



- | | | | | |
|---|-------------------------------|---|---------------|--|
|  | Exclude from Floor Area Ratio |  | Column/post | 1 Rule #1 applies |
|  | Include in Floor Area Ratio |  | Exterior wall | 2 Rule #2 applies |
| | | | | 3 Projects beyond perimeter of the building, so is excluded from Floor Area Ratio |

**Case No. ZA 2007-3430 (ZAI) - Floor Area Ratio and Private Open Space (Balconies and Decks)
Diagram "B"**



Exclude from Floor Area Ratio

● Column/post

1 Rule #1 applies



Include in Floor Area Ratio

— Exterior wall

2 Rule #2 applies

3 Projects beyond perimeter of the building, so is excluded from Floor Area Ratio



TAILGATE DATE: 11/11/2002
 BUREAU: Engineering
 CODE SECTION:
 CATEGORY: Tailgate Training

DATE: **10/10/2002**
 TO: **Department of City Planning, Office of Zoning Administration Staff
 Department of Building and Safety, Plan Check and Inspection Staff**
 FROM: **Robert Janovici, Chief Zoning Administrator
 Peter Kim, Zoning Engineer**
 SUBJECT: **CONSIDERATION OF PROJECTIONS ON A BUILDING FOR THE DEFINITION
 OF "HEIGHT" AND "FLOOR AREA"**

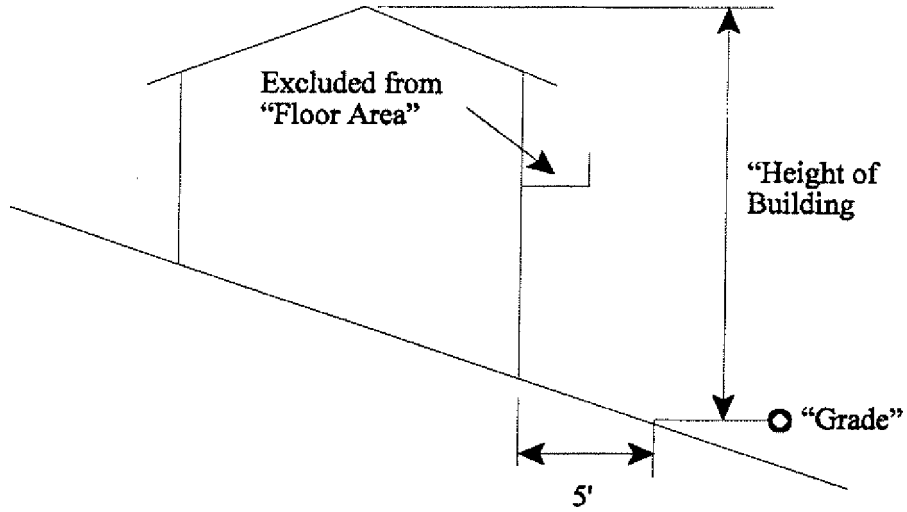
The terms "Height of Building or Structure" and "Floor Area" are defined in Section 12.03 of the Zoning Code. Specifically, "Height of Building or Structure" is defined, in part, as "... the vertical distance above **grade** measured to the highest ..." The term "Grade (Adjacent Ground Elevation)" is further defined, in part, as "... lowest point of elevation of ... between the building and the property line, or when the property line is more than 5 feet from the building, between the building and a line 5 feet from the **building**." Similarly, "Floor Area" is defined, in part, as "...confined within the exterior walls of a **building**..."

The term "Building" is then defined as "Any structure having a roof **supported by columns or walls**, for the housing, shelter, or enclosure of persons, animals, chattels or property of any kind." Thus, if there are any exterior walls or columns on a structure, that wall and/or columns defines the perimeter of a building. For example, attached decks which are supported by columns are considered to be part of the building and therefore the outermost supporting columns of the deck are considered to be the perimeter of the building.

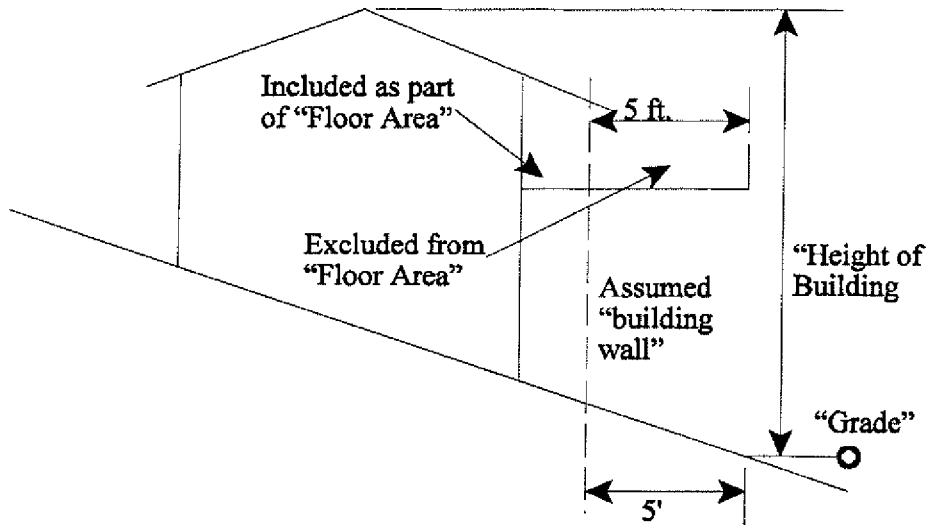
There are some instances in which there are no supporting walls or columns under certain elements of a building. For example a "cantilever balcony" is supported at a wall or beam/column line at some distance from the edge of the balcony. The "Projection" is not defined in the Zoning Code. However, historically, up to 5 feet of cantilever projection was allowed without it being considered as part of a "building". For many years, the Building Code allowed up to 5 feet of projection beyond a building line without having it be considered as part of the floor area.

Thus, when determining "height" or "floor area" of a building, any **open, unenclosed, cantilever** balconies, not exceeding 5 feet beyond the support, are not to be included in the definition of a building. In cases in which balconies exceed 5 feet, up to 5 feet of the balconies may be excluded from the definition of the building. See the attached sketches for illustrations. The first sketch illustrates a case in which a projection does not exceed 5 feet. The second sketch illustrates a case in which a projection exceeds 5 feet. This interpretation is limited to only those balconies with no enclosures on three sides except for the guardrails required by the building code.

Projection less than 5 ft.



Projection more than 5 ft.



buffer outside noise. The City of Ventura's 2008 Design Guidelines for Balconies provide that "standard balconies should not be completely enclosed to the natural elements." As discussed below, the intent of the ZAI was to prevent fully enclosed balconies, similar to atriums or sunrooms, from being excluded from FAR. Accordingly, balconies, like those proposed for the project, that are primarily open to the elements on at least one side or screened are not enclosed balconies and should be excluded from FAR.

Please let me know how we should proceed on this issue. And thanks again for your attention to the project.

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<> <>

Subject: I forwarded Alan Bell's email to Alfred Frajjo/attorney - Also, discussed issue of cantilevering living rooms

Created: 12/1/2008 4:41 PM
 Modified: 12/1/2008 4:41 PM

Last Modified by: Charmie Huynh

From: Department of Building and Safety

Folder: CMNGS

I discussed with Alfred that LADBS will count these enclosed balconies (with wood screens and glass screens) as FAR. They need variance from Planning for this increased FAR. He will also explore option proposed by Greg Shoop that says it may be possible to go over the 6:1 with variance.

I also discussed that per my last conversation with JL, he now considers the area beneath the projecting living rooms as FAR b/c the exterior wall for the living room defines the exterior wall for the building, and it is not longer considered a projection. These areas beneath the "alteriating" living rooms (areas are open decks) shall be counted as FAR.

Subject: My email to Alfred regarding exterior wall interpretation (this relates to the cantilevered living rooms)

Created: 12/3/2008 9:42 AM
 Modified: 12/3/2008 9:42 AM

Last Modified by: Charmie Huynh

From: Department of Building and Safety

Folder: CMNGS

Hi Alfred,

I don't believe there is a code section for this particular interpretation. Jameson said you can contact him if you need further clarification on this issue. Jameson's phone # is 213-482-6866.

Thanks

Charmie Huynh, P.E.
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>>> "Fraijo, Alfred" 12/1/2008 4:15 PM >>>

Charmie,

On the issue of space under a projection (i.e., ground floor or balcony space under a habitable room) that would be counted as FAR, can you refer us to the related Building or Zoning Code section for reference?

Thanks in advance.

From: Charmie Huynh [mailto:Charmie.Huynh@lacity.org]
Sent: Monday, December 01, 2008 3:49 PM
To: Fraijo, Alfred
Subject: Fwd: Re: Millennium Hollywood Development: Balcony Discussion

>>> Alan Bell 12/1/2008 10:49 AM >>>

Hi Charmie - I've reviewed the material you sent me concerning the Millennium Hollywood Development. The Department of Building & Safety's interpretation and application of ZA 2007-3430 (ZAI) concerning FAR and private open space is correct. As the ZAI clearly states, balconies and decks shall not be considered "floor area" for purposes of calculating FAR, only so long as three conditions are met, including condition #2, which is that the balcony or deck remains "unenclosed except for the guard rails required by the Building Code."

The proposed additional screening above the guard rail encloses space that would otherwise be open. The proposed screens, which are parallel to the building wall, do not serve the same purpose as the perpendicular wing walls and privacy screens discussed on p. 4 of the ZAI, which are intended to divide large balconies or decks shared by two or more residential dwelling units.

If you have any questions, please let me know.

Alan

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>>> Charmie Huynh 12/1/2008 10:27 AM >>>

>>> Alan Bell 11/25/2008 11:37 AM >>>

possibly tomorrow or next week - really busy today dealing with signs. I can provide you with my opinion, but I still think that technically it has to be DBS's "call" as to how to apply the ZAI to a specific project, since DBS is responsible for interpreting and enforcing the city's zoning ordinances under 12.26. that said, we should talk, and of course I'd be happy to give you my 2 cents.

>>> Charmie Huynh 11/25/2008 11:31 AM >>>

Hi Alan,

I sent this email out yesterday regarding the Millenium Hollywood high rise project and the issue of FAR and Balconies. The topic at hand is regarding the wood louvers and glass wind breaks. I understand from a voicemail message from Alfredo that you feel that LADBS should make the call on this one. I've already spoken with Jameson and we've made the decision to consider these "screens" as enclosures for the balconies and thus creating FAR for the project. We feel that the ZAI does not specifically address these types of wood louvers and glass wind break screens. The lawyers want LADBS to consider their interpretation on the ZAI (ZA2007-3430), however, LADBS cannot make an interpretation on a ZA's interpretation. That's why we have referred them to Planning for an interpretation on the ZAI.

I'll be out of the office starting this afternoon and back in on Monday. I'd love to get your feedback on this. Jameson and Alfredo are cc'd to this email as well.

Thanks and have a Happy Thanksgiving!

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>>> Charmie Huynh 11/24/2008 4:13 PM >>>

Hi Alfred,

I discussed this issue with Jameson Lee, our Case Management Director. We still feel that the ZAI (ZA2007-3430 (ZAI)) does not specifically address the project's wooden louvers and glass wind breaks. Thus, LADBS would still consider these elements as enclosing the balconies and making them count towards the project's FAR. I would suggest that you ask the Chief Zoning Administrator to provide an interpretation/clarification on these screens for your project. Basically, LADBS cannot provide clarification on an existing ZA's interpretation.

Please let me know if you have any questions.

Thanks

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CF 16-106 & 16-106-51

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Palladium Residences

Appeal of AIDS Healthcare
Foundation

City Council Meeting March 22, 2016

General Plan Amendment Unlawful

- 1966: Grand Jury Concluded the City's Planning Process Was Corrupted
- Former Mayor Fletcher Bowron headed 14 month investigation
- 1969: Charter Amendment Established The Modern General Plan Processes of the City
- 1970: Former Councilmember Thomas Shepard Sentenced to 1-14 years prison for bribes taken in exchange for project rezoning

Parcel Oriented GPAs Banned

- Bowron's Committee found the political pressure to rezone individual lots was corrupting City officials
- A restriction to prohibit GPAs less than the community level placed in the Charter
- Requires City to engage in comprehensive planning, not parcel-by-parcel – which is inherently chaotic and politicized

Bowron Committee Key Findings

- “The City should be divided into smaller units for planning purposes – but any such unit should be an area of substantial size, with social and economic identity.”
- “A completely piecemeal approach to General Plan amendments would defeat the principle of comprehensiveness and destroy the integrity of the Plan.

Bowron Committee Key Findings

- “To prevent this, any change in the Plan should be viewed in at least a community-wide context. Therefore, in the above recommendation we propose that recognized community areas with social and economic identity be the minimum size units for general plan study and review.”

Charter Section 555(a)

The general plan may be amended for a particular geographical area if the area of land to be amended has “significant social, economic, or physical identity.”

Palladium Project Concept

The Project is based upon a general plan amendment of a back asphalt parking lot from Commercial Manufacturing to Regional Center Commercial

- That is a basis to wipe away AB 283 zoning restrictions prohibiting residential use and limiting height
- That is used by City Planning as a purported basis to allow R5 residential dwelling unit density

Palladium Concept is Faulty

- In light of the history of the enactment of the Charter Sec. 555(a) restriction, the City cannot make a finding that the “geographical area” for amendment, one asphalt parking lot, constitutes a “significant social, economic, or physical identity”
- The proposed GPA for Palladium is precisely the parcel-based amendment Bowron’s committee said must be banned to protect City officials from overwhelming political pressures

Therefore...

- The General Plan Amendment requested by Palladium's developer cannot be approved and the entire Project concept dependent upon the GPA cannot be approved.

Residential Dwelling Unit Density

- Palladium seeks 731 dwelling units
- City Planning staff erroneously claims Zoning Code provision governs even though it contradicts the express limits in the governing Hollywood Community Plan and Redevelopment Plan!
- The details follow.....

General Plan and Redevelopment Plan Maximum Dwelling Unit Density

- Hollywood Community Plan limits maximum residential density to 80 units per acre
- Hollywood Redevelopment Plan has the same limit of 80 units per acre
- The City's Draft EIR failed to disclose these governing City Plan limits **at all**
- A fatal omission under CEQA

C4 Zone Is Inconsistent With The 80 Dwelling Unit Maximum

- LAMC 12.16 and 12.11 says:
 - maximum dwelling unit density in the C4 zone is:
109 units per acre (expressed as 400 sf per
dwelling unit)
- When zoning is inconsistent with the General Plan, the zoning provision is “invalid,” Leshar Communications v. City of Walnut Creek

But City Planning Says Zoning Code Allows Far Greater Density

- Draft EIR says R5 density applies based upon LAMC 12.22A.18 (exceptions to zoning code)
- No express language in 12.22A.18 says this
- Zoning Manual claims ZA has “interpreted” R5 density applies to mixed use projects in Regional Center Commercial zones
- This “interpretation” violates two basic principles.....

R5 “Interpretation” Unlawful Because...

- The ZA’s interpretation is contrary to the plain words used in the C4 zone code provision that says R4 density applies (109 units per acre)
- General Plan limit of 80 dwelling units per acre always trumps the zoning code (whether the correct code is R4 or R5 density)
- Thus, the maximum unit density for Palladium remains 80 dwelling units per acre as set forth in the Hollywood Community Plan

Do The Math - Hollywood Community Plan Limit

43,560 s.f. in one acre ÷ 80 units per acre in
1988 HCP text = 544 s.f. of lot size per unit

Palladium lot size (154,648 s.f.) ÷ 544 s.f. =
284 maximum residential dwelling units

Do The Math - City Staff's R5 Claim

43,560 s.f. in one acre ÷ 200 s.f. per unit =
217.8 units per acre

Palladium lot size (154,648 s.f.) ÷ 200 s.f. =
773.24 maximum residential dwelling units

Therefore says Draft EIR and City Planning,
developer's request of 731 units is permissible

General Plan v. Zoning

General Plan limit is 80
dwelling units per acre



MAXIMUM PALLADIUM:
284 Units

R5 Zoning Code limit is
217.8 dwelling units per
acre



MAXIMUM PALLADIUM:
773 Units

Which Does Council Believe Rules?

The City's General Plan which is the supreme land use "constitution" of the City?

OR

The City's Zoning Code (as improperly interpreted by the Zoning Administrator)?

Draft EIR Was Plainly Deficient

Multiple violations cataloged throughout the review process on many issues, but . . .

Let's focus on the Land Use Analysis

Draft EIR – Land Use Section

- Omitted any analysis of how a parcel-based General Plan Amendment is lawful under Charter Section 555 (a)
- Omitted Hollywood General Plan dwelling unit limit of 80 units per acre
- Omitted Hollywood Redevelopment Plan dwelling unit limit of 80 units per acre
- Claimed Project was “consistent” with these Plans

Land Use Section – Fatal Flaws

The Draft EIR deprived public and City officials from knowing about the fatally flawed Project assumptions

- General Plan Amendment not possible
- Massive R5 density rationale obscured by no mention of applicable Plan limits that trump R5
- Failure to fully disclose all of CRA/LA's discretionary approvals over the project by a complete description of the Redevelopment Plan

Failure to Include CRA/LA

- The Draft EIR admits that CRA/LA has one or more discretionary decisions over the Project
- The State Clearinghouse Records show CRA/LA was not sent the Notice of Preparation which is mandatory under CEQA
- Failure to include a Responsible Agency in the EIR process from the beginning requires recirculation to correct the error

Affordable Housing Bait and Switch?

- Project Originally Had No Affordable Housing
- At City Planning, Palladium “Volunteered” 5% Workforce Housing
- Does City have authority to condition the Project to provide 5% Workforce Housing without a constitutional nexus?
- In Millennium Hollywood EIR the City said voluntary conditions without nexus are unenforceable

Affordable Housing Bait and Switch?

- Until the PLUM Committee, the Project Conditions required that the CRA/LA's Owner Participation Agreement include the 5% Workforce Housing as part of the exchange for the CRA/LA discretionary FAR increase. CRA/LA has power to enforce this promise.
- In City Planning's latest version of project conditions distributed to City Council in the E-Packet, the CRA/LA OPA condition is struck out.
- Does this mean CRA/LA will not require Workforce Housing and developer will later claim to City that mere project condition is unenforceable?

Due Process Objection

- AHF's full appeal was not transmitted to the City Council as part of the E-Packet distributed with the Council's Agenda Package
- AHF's March 15, 2016 Supplement to its appeal was not distributed with the E-Packet or even posted on the City's Council File (although all other City and developer documents were)
- City Council members have had no access to AHF's appeal arguments or exhibits prior to City Council meeting hearing today.

AHF Respectfully Requests

- City Council grant its appeal on the grounds of this presentation and appeal package the City Clerk failed to distribute to it or the public
- City Council refer the Palladium Project back to City Planning to reduce the Project to a size compliant with law
- City Council require revision of portions of the Draft EIR and recirculation as CEQA requires