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October 21, 2016

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Los Angeles City Hall
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Re: City Planning Case Nos: VTT-72370-CN-2A, CPC-2013-2551-MCUP-DB-SPR-1A
EIR-2013-2552-EIR

Project Address: 8148-8182 West Sunset Boulevard; 1438-1486 North
Havenhurst Drive; 1435-1443 North Crescent Heights Boulevard

At its meeting on July 28, 2016, the City Planning Commission reviewed and considered the information contained in the EIR, confirmed the Deputy Advisory Agency's certification of the EIR, conditionally approved CPC-2013-2551-MCUP-DB-SPR, and granted in part/denied in part the appeal of Vesting Tentative Tract Map No. 72370-CN-1A, associated with the mixed-use development of 249 residential dwelling units and 65,000 square feet of commercial floor area. Appeals of the City Planning Commission's action relative to the first-level appeal of VTT-72370-CN-1A and of its actions of CPC-2013-2551-MCUP-DB-SPR, were filed on August 29 and September 1, 2016, respectively.

**APPEAL ANALYSIS
VTT-72370-CN-2A
CPC-2013-2551-MCUP-DB-SPR-1A**

Appellant: JDR Crescent / Robert Glushon

The Appellant's statements have been summarized in the following categories.

Appellant's Statements: Plan consistency

- The project is not in substantial conformance with the General Plan
- The project is inconsistent with the principles, goals and objectives of the City's Residential Citywide Design Guidelines.
- The project is inconsistent with the Hollywood Community Plan purposes and objectives.

Staff Response

The Appellant argues that the project is inconsistent with several goals and objectives of the City's Residential Citywide Design Guidelines. Land Use consistency, including consistency with the

Commercial Citywide Design Guidelines and the Hollywood Community Plan, was addressed in the Draft EIR Section 4.F., RP-DEIR Section 2.B.6, and in FEIR Topical Response TR-2, "Land Use and Planning." The compatibility of the project with its surroundings in relation to height and scale is further discussed in Draft EIR Section 4.A, RP-DEIR Section 2.B.1, and FEIR Topical Response TR-1 (Aesthetics / Visual Resources) and TR-2 (Land Use and Planning). The Appellant's comments are addressed below.

Citywide Residential Design Guidelines

The proposed project was evaluated for consistency with the Commercial Citywide Design Guidelines for Pedestrian Oriented and Commercial Mixed-Use Projects, which are the appropriate guidelines for a mixed-use development such as the proposed project. Notwithstanding, the language from the Residential Guidelines cited by the Appellant is either identical or substantially similar to those contained within the Commercial Citywide Design Guidelines. The evaluation of consistency and rationale set forth in the Draft EIR with respect to the original project applies equally to the project, as further discussed on RP-DEIR page 2-32 through 2-33, and that impacts related to consistency would be similar to those under the project.

The Appellant asserts that the project would be inconsistent with the Guidelines' stated principles to "nurture neighborhood character" and to "encourage projects appropriate to the context of the City's climate and urban environment." These two principles are part of the Guidelines' 10 Urban Design Principles. The more specific Design Guidelines serve to implement these general principles, which broadly encourage projects to complement the existing urban form in order to enhance the built environment in Los Angeles.

Draft EIR Tables 4.A-1 and 4.F-3 discuss consistency with applicable Citywide Design Guidelines policies and objectives, including those cited by the Appellant, such as "To consider neighborhood context and linkages in building and site design," "To ensure that new buildings are compatible in scale, massing, style, and/or architectural materials with existing structures in the surrounding neighborhood," and to "Respect the character of existing buildings with regards to height, scale, style and architectural materials."

As further discussed in the EIR and in the VTT and CPC Letters of Determination (LOD), the project will improve neighborhood linkages compared to existing conditions, which consist of surface parking lots located between the sidewalk and commercial buildings. In contrast, the project will provide an expanded pedestrian network with a central public plaza directly accessible from sidewalks at the northwest and northeast corners of the project site, and from the center of the project's Sunset Boulevard frontage, resulting in street-to-street pedestrian linkages throughout the site. The one- to three-story retail frontage along Sunset Boulevard will be oriented towards the street, is conducive to the pedestrian environment, and would activate the streetscape with ground-floor retail and restaurant uses. Façade treatments include sidewalk-oriented retail windows and transparent glass at ground level along the street front.

The project massing and design are responsive to and consistent with the surrounding neighborhood context, massing and scale (see RP-DEIR Sections 2.B.1 and 2.B.6, and Final EIR Topical Responses TR-1 (Aesthetics/Visual Resources) and TR-2 (Land Use and Planning)). The project massing is consistent with the existing land use pattern that contrasts higher intensity uses along the commercial areas on Sunset Boulevard with low-rise multi-family uses to the south and single-family residential areas demonstrating hillside topography to the north of Sunset Boulevard. This land use pattern applies to the project vicinity in both the Cities of Los Angeles and West Hollywood. The project further incorporates a stepped back design and breaks in massing to respond to the scale of the lower intensity multi-family residential uses to the south and to the west of the project site. The residential portion of the west tower provides a variable 14- to 40-foot setback along Havenhurst Drive, and the residential portion of the east tower will be setback from 4 to 28 feet from the property line. Rear setbacks for the residential portions of the east and west towers range from 15 to 30 feet from the property line. The massing and orientation of the taller building elements will open up an approximately 150-foot wide view corridor through

the center of the project site, thereby softening the scale and appearance of the project as it relates to surrounding single- and multi-family residential areas. While the overall mass and scale of the east and west building components will be taller than surrounding structures, the setbacks and breaks in massing greatly limit the broad, large and flat building surfaces, in order to be responsive to the neighborhood character and the views of residences to the north and south of the project site.

The project selection of building materials is also responsive to the surrounding context, and is consistent with the Citywide Design Guidelines language cited above. Building materials will be transparent at ground-floor retail frontages to enhance the pedestrian scale, while the lower residential portions of the east and west residential building elements would feature a solid material, such as stone cladding, with punched windows to relate to existing neighborhood characteristics. The project's central building will provide substantial articulation through unique vertically oriented design components, intended to attract pedestrians and visitors to the central plaza. The residential portion of the eastern building features simpler articulation in order to relate to its surroundings. The upper portion of the western residential building will be comprised of a transparent glazed façade with a degree of transparency to soften its massing, and will provide integrated vertical and horizontal articulation through balconies and vertically oriented architectural features. Glass used in building façades will be non-reflective or treated with a non-reflective coating in order to minimize glare, and all major utilities will be placed underground. Landscaping will be provided along the exposed portion of the semi-subterranean parking structure on Havenhurst Drive, where the wall is partially exposed due to the southerly descending slope, with additional landscaping and in-ground tree planters above on Building Level 2, in order to further soften the project's interface with adjacent residential areas to the west. Substantial landscaping is further provided along the southern property line where the central building steps down to Level 2 and Level 3, including in-ground tree planters and ground cover landscaping.

Notwithstanding that the project is substantially consistent with the Citywide Design Guidelines, the Appellant is incorrect in asserting that the project would be inconsistent with the General Plan due to any inconsistencies with the Guidelines. The Citywide Design Guidelines are expressly "performance goals, not zoning regulations or development standards and therefore do not supersede regulations in the municipal code" (Citywide Commercial Design Guidelines, page 4). The Guidelines further clarify that "The provisions set forth in this document identify the desired level of design quality for all development. However, flexibility is necessary and encouraged to achieve excellent design. Therefore, the use of the words "shall" and "must" have been purposely avoided within the specific guidelines." (Page 5) The Appellant's assertion that inconsistency with aspirational guidelines would constitute a violation of the General Plan is mistaken, and moreover, the project has been found to be substantially consistent with such Guidelines, as discussed above.

The EIR, Staff Report and Determination Letter fully acknowledge and describe the environmental setting and existing conditions surrounding the proposed project (see Draft EIR pages 2-1 through 2-2, Draft EIR pages 4.A-2 through 4.A-7, RP-DEIR Figure 2-2, Tract Staff Report page 3 and pages 200-204, and VTT LOD pages 203 through 205). The analysis and conclusions summarized above and more fully discussed in the EIR, Staff Report and Determination fully disclose the surrounding environmental setting, inclusive of the project's adjacency to 2-3 story residential buildings, and appropriately consider the project's relationship to this existing context when analyzing the project's potential environmental impacts.

Hollywood Community Plan

The Appellant further argues that the project is inconsistent with the Hollywood Community Plan's stated purposes, "To promote an arrangement of land use, circulation, and services which will encourage and contribute to the physical health, safety and welfare of the Community," and "To balance growth and stability." Such general purposes are more specifically described through the objectives and policies of the Plan, and the project is consistent with such policies, as further described in Draft EIR Table 4.F-2 and RP-DEIR page 2-32. In regards to the Community Plan

policy to “Encourage the preservation and enhancement of the varied and distinctive residential character of the community,” the project will preserve and enhance the existing residential character of the surrounding community by limiting development to a commercially zoned property that currently lacks residential uses, and by providing a distinctive design that enhances community character. Further, the Appellant has only partially cited the applicable Plan text, which continues to encourage “...to protect lower density housing from the scattered intrusion of apartments.” The proposed project indeed protects lower density housing from the intrusion of apartments by placing more intense multi-family mixed-use development along a major commercial thoroughfare and not within established lower density residential neighborhoods. Therefore, and as more fully discussed in the EIR and the LOD, the project will appropriately balance growth and stability and promote an appropriate arrangement of land uses and services, as it would provide new commercial and residential uses, including 28 units set aside for Very Low Income households, to meet current and future demand for housing in the area without intruding upon or threatening the preservation of existing lower-density residential areas.

The project is consistent with the policy, cited by the Appellant, “To promote economic well-being and public convenience through allocating and distributing commercial lands for retail, service and office facilities in quantities and patterns based on accepted planning principles and standards.” The project will provide 65,000 square feet of retail space on a commercially zoned parcel along an established commercial corridor, in close proximity to existing single- and multi-family housing and to residents within the mixed-use project itself. The project would also provide new housing units adjacent to a wide range of similar commercial uses along Sunset Boulevard. As further described in Draft EIR Section 4.F and RP-DEIR Section 2.B.6, the project is consistent with accepted planning principles and practices through siting housing within existing activity centers and in proximity to public transportation.

The Appellant again provides a partial citation to the Hollywood Community Plan, in this case the policy to “encourage preservation of open space consistent with property rights when privately owned and to promote the preservation of views.” This policy continues to read as follows, “...promote the preservation of views, natural topography and mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region.” To the extent that it can be inferred that the Appellant is referring to a loss of views for residents in the 2-3 story residential dwellings immediately to the south of the project site, changes to an individual private homeowner’s view are not considered an impact pursuant to CEQA, nor to the broader policy statement contained within the Hollywood Community Plan that when read in its entirety applies more generally to both local residents and persons throughout the region. Notwithstanding, as summarized below, the EIR fully evaluated view impacts, and consistency with this Community Plan Policy. Impacts were found to be less than significant and determinations of consistency with the cited policy are based on substantial evidence in the record.

As noted in Draft EIR Table 4.F-2, the original project is consistent with this policy as it would not result in significant adverse effects to existing views of scenic resources, including the Hollywood Hills, which are discussed in detail on pages 4.A-25 through 4.A-41 of the Draft EIR. The RP-DEIR further discusses the project’s consistency with the Hollywood Community Plan. As stated on page 2-32, the project would not result in significant adverse effects to existing views of scenic resources, including views of and from the Hollywood Hills to the north of the project site, and consistency with the Hollywood Community Plan is similar to the detailed discussion provided in Draft EIR section 4.F. The RP-DEIR also evaluated potential impacts to views, including views of the Hollywood Hills, on pages 2-11 through 2-16. Impacts were found to be less than significant, and are further reduced below the already insignificant impacts of the original project.

To conclude, the City Planning Commission has correctly found, based on substantial evidence and as discussed beginning on VTT LOD page 201 and CPC LOD pages F-2 through F-3 and F-10 through F-13, that the project is consistent with applicable general and specific plans. The proposed project is consistent with the applicable objectives of the Hollywood Community Plan to

preserve and enhance the varied and distinctive residential character of the Community, protect lower density housing from the scattered intrusion of apartments, and 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. The project is substantially consistent with the Community Plan's objectives and with the Citywide Commercial Design Guidelines. The Appellant has failed to submit substantial evidence to the contrary.

Appellant's Statements: EIR is inadequate

- The EIR fails to analyze the existing "D" limitation
- The EIR does not analyze consistency with Mobility Plan 2035
- The EIR does not use appropriate thresholds for noise and for traffic impacts
- The EIR fails to analyze consistency with land use policies and plans
- The EIR does not analyze consistency with the residential community to the south of the project site
- Street vacation is not addressed
- Mitigation Measure TR-1 is in the City of West Hollywood and is unenforceable
- The EIR has "phantom thresholds" TR-3 and TR-4, and "ignores plan words" by using terminology such as Threshold TR-6
- Mitigation Measures related to emergency vehicle response times concern only traffic circulation on-site and along Havenhurst Drive
- Mitigation Measures GS-1 improperly defers environmental assessment
- The EIR relies on an outdated January, 2014 Alquist Priolo Earthquake Fault Zone Map

Staff Response

The Appellant is incorrect in stating that the EIR does not recognize or analyze the "D" limitation as the baseline and existing conditions with respect to zoning on the project site. The "D" limitation is described throughout the EIR (See DEIR pages 2-2, 4.F-2) with the existing zoning regulations that apply to the project site, and is recognized as the existing regulatory condition and land use baseline in that regard.

The Appellant also incorrectly contends that the EIR should have analyzed consistency with Mobility Plan 2035. Mobility Plan 2035 was adopted in January, 2016 after both the Draft EIR and RP-DEIR had been circulated for public review. Moreover, the applicant filed a Vesting Tentative Tract Map prior to the adoption of Mobility Plan 2035, and as such is subject to the requirements of the Transportation Element, not those of Mobility Plan 2035.

The Appellant wrongly asserts that the EIR did not use appropriate thresholds for intersection impacts and noise impacts. The Appellant argues that the use of "general thresholds" may not be appropriate for a project "of this scale." However, the EIR evaluated intersection and noise impacts using established thresholds from the adopted City of Los Angeles 2006 CEQA Thresholds Guide, as is established practice for projects within the City of Los Angeles. Further, the traffic impact analysis and traffic study used City of West Hollywood methodologies and thresholds for intersections located within that jurisdiction. The assertion that "general traffic thresholds" are not appropriate because traffic at intersections is currently at LOS D or worse is inaccurate. Under CEQA, the project is not required to mitigate pre-existing conditions the analysis appropriately compares the incremental increase of impacts under "With Project" conditions, including in cumulative analysis, as compared to a "Without Project" baseline. Moreover, LADOT traffic methodologies take into account the sensitivity of poor existing intersection levels of service by imposing more stringent thresholds, or rather lower "With Project" incremental increase in transportation compared to baseline, for intersections operating at E or F (see Traffic Study page 102 in Appendix H to the Draft EIR). Contrary to the Appellant's statements, the EIR adequately analyzed potential traffic impacts.

Similarly, construction and operational phase noise impacts were evaluated consistent with established thresholds in the LA CEQA Thresholds Guide. It is not incumbent on the proposed

project to create new thresholds based upon the scale of the project. The Appellant makes arbitrary statements dismissing established methodology without providing substantial evidence that the thresholds used in the EIR were inadequate.

Moreover, the Appellant fails to provide evidence that the EIR did not analyze compatibility with the multi-family residential community to the south of the project site, or that the EIR's land use consistency analysis relies on conclusory statements. In contrast, the Draft EIR and RP-DEIR thoroughly analyzed the project's consistency with applicable plans and policies in Section 4.F., Land Use, of the Draft EIR, and in Section 2.B.6 of the RP-DEIR. The thorough analysis contained on Draft EIR pages 4.F-19 through 4.F-57 and RP-DEIR pages 2-34 through 2-35 evaluates the project for consistency with applicable plans based upon specific proposed project characteristics and analysis as are relevant to each policy covered therein. In contrast to the Appellant's assertions, the EIR fully recognized the existing multi-family neighborhoods to the south of the project as the existing environmental setting. The EIR, Staff Reports and LODs describe such existing conditions within the project vicinity (see Draft EIR pages 2-1 through 2-2, Draft EIR pages 4.A-2 through 4.A-7, RP-DEIR Figure 2-2, VTT Staff Report page 3 and pages 200-204, and VTT LOD pages 204 through 205). These existing conditions were considered when evaluating the project's consistency with applicable land use plans and policies. Potential project impacts were conducted fully disclosing the surrounding environmental setting and appropriately analyzing the project's relationship to this context.

The Appellant asserts that the EIR fails to analyze a Street Vacation process. However, no such vacation has been requested nor is necessary for the applicant to effectuate the proposed reconfiguration of the existing traffic island at Sunset Boulevard and Crescent Heights Boulevard. Moreover, the impact analysis within the EIR takes into account the reconfiguration of the traffic island as "With Project" conditions when compared to the existing baseline, and as such captures all potential physical impacts on the environment associated with this component of the project's development.

The Appellant states that Mitigation Measure TR-1 is located in the City of West Hollywood and is unenforceable. The EIR and Letter of Determination fully recognize that the intersection of Havenhurst Drive and Fountain Avenue is located within the City of West Hollywood, and that if the jurisdiction elects not to implement the recommended mitigation, impacts would remain significant and unavoidable (see CPC LOD pages C-24, F-109 through F-113). The City therefore accordingly adopted a Statement of Overriding Considerations (CPC LOD pages F-153 through F-157). The EIR, inclusive of the June 2016 errata, is clear in that the subject intersection is under the jurisdiction of the City of West Hollywood. Draft EIR page 66 accordingly concludes, "No other feasible improvements to the intersection of Fountain Avenue/Havenhurst Drive have been identified at this time, and should the City of West Hollywood determine that it does not wish to install a new traffic signal at this location, the project's impacts would remain significant and unavoidable" (see also Traffic Study page iv and page 123, in Draft EIR Appendix H). The City of Los Angeles understands that the City of West Hollywood does not intend to implement the recommended mitigation measure. The City Planning Commission therefore appropriately found in their determination that this impact would remain significant and unavoidable. It is wholly appropriate under CEQA for the Lead Agency to adopt a Statement of Overriding Considerations in the event that the identified mitigation is ultimately determined to be infeasible.

The Appellant's assertion that the EIR contains "phantom" Mitigation Measures TR-3 and TR-4 is inaccurate. The EIR contained two traffic mitigation measures, one of which (TR-2) was only applicable to original project and not the proposed project (Alternative 9), and as such has been removed from the Mitigation Monitoring Program (MMP) in the Determination Letter. Mitigation Measures TR-3 and TR-4 do not exist and therefore are not in the project's MMP. Further, language such as "Threshold TR-6" is common in Environmental Impact Reports and other CEQA documents. The Appellant's claims relative to semantics are a distraction from the substance of the EIR's analysis and are irrelevant to the discussion of potential environmental impacts contained therein.

The Appellant claims that the project would result in impacts to emergency response times. However, impacts on emergency response times are considered less than significant, even without installation of a new traffic signal as required by Mitigation Measure TR-1, given implementation of the project's TDM program, and the other means available to LAFD and LAPD to maintain reasonable response times (see CPC LOD pages F-96 through F-98). Furthermore, as shown on Draft EIR Figure 4.I.1-1, Fire Stations in the Vicinity of the Project Site, all fire stations serving the project site are located to the east (Fire Stations Nos. 41 and 27) and north (Fire Station No. 97) of the project site. It is highly unlikely that response times from these locations would be significantly affected as the one impacted intersection is located to the southwest of the project site and is not within a path of travel from these stations to the project site. Impacts to all other intersections, and to all road segments, were determined to be less than significant. As shown on Draft EIR Figure 4.I.2-1, the police station serving the project is located to the east of the site and as such would similarly not be impacted by the intersection of Fountain Avenue and Havenhurst Drive if the City of West Hollywood elects not to implement the recommended mitigation. The Appellant further asserts that proposed mitigation measures to reduce impacts to emergency response times are insufficient because they only address on-site or site-adjacent circulation. The mitigation measures related to traffic are only proposed in areas where there would be significant traffic impacts, namely, the intersection of Havenhurst Drive and Fountain Avenue, which is adjacent to the project site. Whether such impacts are on-site, adjacent, or at a farther distance from the project site is irrelevant. It is not the project's responsibility to propose or distribute off-site mitigation to traffic or any other impact area where there is no impact requiring or necessitating such mitigation.

Contrary to the Appellant's statements, Mitigation Measure GS-1 does not represent deferred mitigation. The project has received a Soils Approval Letter from the City of Los Angeles Department of Building and Safety, dated October 19, 2015 (See Final EIR Appendix B and Final EIR Topical Response TR-5, Geology and Soils). Prior to the issuance of grading permits, the project will be required to submit more detailed construction-level plans and designs, and their corresponding geotechnical study, at which time the Department of Building and Safety may impose further conditions. As such, Mitigation Measure GS-1 will document and enforce standard City processes and regulations that normally occur at such a time when more detailed construction plans have been developed. This does not represent deferred mitigation, as suggested by the Appellant.

The Appellant further states that the EIR relies on an "outdated" January 2014 Alquist Priolo Earthquake Fault Zone Map. The January 2014 map is a draft map that was circulated by the State for public review and comment. The resulting final map, the Alquist-Priolo Earthquake Fault Zone Map dated November 6, 2014, is the map referenced by the Los Angeles Department of Building and Safety Soils Approval Letter dated October 19, 2015 (Final EIR Appendix B), and both the Department of Building and Safety and the California Geological Survey have since confirmed it remains the official document for property on the US Geological Survey Hollywood Quadrangle. Contrary to the Appellant's statements that further boring must be conducted, the Department of Building and Safety found the borings to be adequate and consistent with their requirements in consideration of the project's proposed foundation characteristics and the distance to the fault trace mapped by the State.

Appellant's Statements: Street Vacation

- A "B" permit is inadequate to close a public street
- Private easement rights would be impaired by closing access to the public street

Staff Response

Contrary to the Appellant's claims, the 1905 tract map does not grant private property owners a specific easement over the public right-of-way. The Appellant is confusing rights to access the public right of way with a right over the roadway itself. While the subdivision of land is contingent upon access to a public street being provided, the city owns and controls the public right-of-way,

and improvements to the public right-of-way are at the discretion of the City. As noted throughout the LOD and the EIR, the reconfigured traffic island will retain a traditional right-turn lane, and access to the public roadway for private property owners in the area will not be adversely affected.

The Appellant argues that a "B" permit is inadequate to close a public street. In order for the applicant to effectuate the proposed reconfiguration of the traffic island, a Revocable Permit and a B-Permit will be required from the Department of Public Works. Contrary to the Appellant's statements, necessary "B" permits and revocable permits are an appropriate way to effectuate the reconfiguration of the traffic island. This process is reviewed by another City department, and is not under the jurisdiction of the City Planning Commission. Note that the revised intersection configuration will retain a typical right-turn lane.

Appellant's Statements: Site Plan Review

- The findings for Site Plan Review cannot be made
- The project is not compatible with existing and future development on adjacent properties and neighboring properties

Staff Response

The Appellant states that the findings for site plan review cannot be made. However, the City appropriately found that the project would consist of an arrangement of buildings and structures that is or will be compatible with existing and future development on adjacent and neighboring properties (see Site Plan Review findings on CPC LOD pages F-10 through F-18). The Appellant has not presented new nor substantial evidence to the contrary, aside from reiterating the existence of low-rise multi-family neighborhoods located to the south of the project site, which has been well-recognized and acknowledged as the existing conditions throughout the EIR and the LOD. While the overall mass and scale of the east and west building components will be taller than surrounding structures, the setbacks and breaks in massing greatly limit the broad, large and flat building surfaces, in order to be responsive to the neighborhoods character and the views of residences to the north and south of the project site. The Site Plan Review findings and EIR adequately evaluated the project for consistency with its surroundings, based upon the existing land use pattern in the surrounding area, setbacks, breaks in massing, building orientation, pedestrian-oriented design and the provision of publicly accessible open space. Moreover, the project is appropriately utilizing Density Bonus provisions to waive certain development standards, in this case FAR requirements, in order to incentivize the production of affordable housing. The Appellant further cites the analysis relative to the Residential Citywide Design Guidelines and the Hollywood Community Plan. Please see pages 2 through 5 above for a discussion of those policies.

Appellant's Statements: Conditional Use Permit

- The required findings for a conditional use permit cannot be made
- The scope of the conditional use is tied to the size and scale of the project
- The project will degrade traffic in the area
- The project will make adjacent multi-family buildings unlivable
- The project will inevitably impact emergency response times
- The project does not conform with the General Plan or Hollywood Community Plan

Staff Response

Contrary to the Appellant's statements, the Master Conditional Use permit is not specifically tied to the scale, bulk and massing of the project. The Master Conditional Use Permit to allow the sale of alcoholic beverages in conjunction with four restaurants and to permit off-site sales in conjunction with a grocery store is not materially related to the height and scale of the overall project, and the associated findings are primarily concerned with conditions relative to the sale of alcoholic beverages. These uses would be located on floors one through three (inclusive of third-floor rooftop dining fronting Sunset Boulevard), and are not related to the taller building components. Moreover, the project has been appropriately found to be consistent with applicable

land use plans and policies, and with the surrounding area, as discussed above on pages 2 through 5.

Without providing any evidence to support this assertion, the Appellant makes a general statement that the project would "inevitably" impact emergency response times. Potential impacts associated with fire protection and emergency response are discussed in Sections 4.I.1 and 4.J of the Draft EIR and Section 2.0 Alternative 9: Enhanced View Corridor and Additional Underground Parking Alternative, Subsection B.9.1 and Subsection B.10 of the Recirculated DEIR. As further discussed therein, and summarized in Topical Response TR-6 Public Services and Utilities in the Final EIR, impacts would be less than significant. Emergency response times are further discussed in CPC LOD pages F-94 through F-98. As discussed therein, and above on page 7, impacts on emergency response times are considered less than significant, even without installation of a new traffic signal as required by Mitigation Measure TR-1, given implementation of the project's TDM program, and other means available to LAFD and LAPD to maintain reasonable response times.

The Appellant argues that for the reasons stated above relative to the Conditional Use permit, the project would be inconsistent with the General Plan and with the Hollywood Community Plan. This is not the case. As more fully detailed above, the conditional use is primarily concerned with conditions related to the sale of alcoholic beverages, and furthermore, Plan Approvals will be required to tailor conditions to the characteristics of each individual establishment. The Appellant has not presented any information, aside from general statements about the project's height and scale, to suggest that the granting of the Master Conditional Use to permit the sale of alcoholic beverages is inconsistent with the General Plan or the Hollywood Community Plan. Please see pages 2 through 8 above for more discussion of the project's land use consistency relative to height and scale.

Being as the appellant has failed to adequately disclose how the City erred in its actions relative to the EIR and the associated entitlements, Planning staff respectfully recommends that the appeals, VTT-72370-CN-2A and CPC-2013-2551-MCUP-DB-SPR-1A, be denied.

Sincerely,



Charles J. Rausch, Jr.
Associate Zoning Administrator
Department of City Planning

